

AFTER NEHRU

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India's New Image

G. S. BHARGAVA

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May 27, 1964

May 27, 1964, dawned like any other day. But by 10 o'clock that morning it was evident that it was going to be a fateful day in India's history.

The Nehru era ended on that day. Early in the morning the Prime Minister complained of pain in the back. The physicians who had been attending on him since his January illness were summoned at about 6.30 a.m. Two of them arrived twenty minutes later, closely followed by another. Specialists in different fields of medicine followed in quick succession. By about 10 a.m. Teen Murti House, the Prime Minister's residence, was virtually teeming with specialists in almost every department of medical science.

The diagnosis of the experts was that the aorta or the trunk of the arterial system issuing from the left ventricle of the heart had developed a dissecting aneurysm. In layman's language it meant that the blood stream had bored a passage into the walls of this big blood vessel, which had resulted in pain in the back and severe shock. Earlier in January during the Bhubaneswar session of the Indian National Congress Nehru suffered a cerebral stroke following thrombosis (coagulation of blood vessel)

in the brain but luckily immediate medical attention saved his life. It was also known that Panditji had been suffering for some years from high blood pressure and widespread atherosclerosis or degeneration and hardening of the arteries. The cerebral thrombosis, the dilatation of the aorta and finally the dissecting aneurysm were further complications of this condition. The doctors immediately realised that it was almost certainly a fatal development and that there was an extremely rare chance of his surviving. In fact, by 7.15 a.m. the life of India's man of destiny hung on an extremely slender hope that the dissecting stream instead of rupturing out might re-enter the main channel lower down. If that had happened it would have been a miracle in the fullest sense of the word. Jawaharlal's zest for life would in that case have defied or at least delayed death.

Nehru started sinking very quickly. He became unconscious soon after 7 a.m. This gave the doctors barely 15 or 20 minutes of an uncollapsed but restless state during which to enquire from him the symptoms of the disease and examine him properly. They were able to gather in these 15 to 20 minutes that the Prime Minister had retired to bed at eleven on the previous night, his normal self.¹ They could further ascertain that the pain which meant the onset of the dissecting aneurysm

1. The *Press Trust of India* reported quoting the Home Minister, Mr. G. L. Nanda, that almost the last words of Jawaharlal before going to bed at 11 p.m. on May 26 were: "I have disposed of all files and papers."

started some time early in the morning. But, according to those present at that time, Nehru did not have the pain at about 3.30 a.m. when he got up to relieve himself. About an hour later he was awakened again by a retching sensation. It was difficult to say whether that was the onset of the pain. But he went back to bed. He seemed to toss in the bed for some time. When Nathu, his trusted personal servant, found the master restless he started massaging his feet. It was not Nathu's normal routine in the morning. Only at night Nathu, so to say, put Jawaharlal to bed, massaging his feet and head. But now Nathu did not know what to do. So he started massaging the feet, thinking it would give relief. Then he quietly slunk away and telephoned the doctors.

Why the secrecy about calling the doctors? Jawaharlal did not let Nathu know that he was in pain and needed medical attention. Nathu knew from experience that the master would scold him on seeing the doctors for having troubled them so early in the morning. In fact, though writhing in pain, when the doctors arrived at 6.50 a.m., Jawaharlal's first reaction was to ask them, "who called you," and look reprovingly at poor Nathu. Throughout his life, Jawaharlal throbbed with consideration for others' convenience even at the cost of his own comfort.

Jawaharlal passed away at 1.50 p.m. Between 6.50 a.m. and 1.50 p.m. the doctors tried every means of prolonging his life. He was given several transfusions of various types, including blood, to

combat shock, but his blood pressure and pulse failed to revive.²

The doctors thought the onset of aneurysm must have taken place some time early in the morning. None of them was prepared to hazard a guess about the exact timing of the complication. When two of them reached his bedside at 6.50 a.m. they found him in a state of shock. A minor but noteworthy incident at this time was an attempt by Nehru to go to the bathroom while the doctors were outside explaining to Mrs. Indira Gandhi their diagnosis of the illness and getting ready the treatment to be given. Jawaharlal was still conscious at that time. Disregarding the protests of Nathu, he slowly walked in those brief two minutes to the adjoining bathroom. When one of the doctors realised what was happening he rushed there, exclaiming: "What have you done!" In spite of pain, Nehru smiled in reply—a smile which always accompanied his defiance of inhibitions imposed on him by the doctors. The doctors helped him back to the bed. They did not have to lift him, Jawaharlal being physically active until he lost consciousness. But soon after he collapsed. It was the last physical act of the 74-year eventful life.

2. A *Press Trust of India* report said that Mrs. Gandhi gave a bottle of her blood a few hours before her father died. When the doctors suggested blood transfusion, Mrs. Gandhi, the report said, insisted that her blood alone should be given to her father. She evidently regarded it as her last service to a great father. Jawaharlal belonged to the Rh negative blood group. It is said to be a rare group, not more than five per cent of the population belonging to it. Luckily Mrs. Gandhi belongs to the same group and so could fulfil her desire.

Jawaharlal started sinking soon after 7 a.m. The news, kept away from the public, travelled in whispers and spread like wild fire. Parliament re-assembled on that day for a special session to dispose of the (Constitution (19th Amendment) Bill. Political circles in Delhi were engrossed in forecasting the pace of the legislation, to what extent the Government would disarm the Swatantra Party's opposition to the Bill and how united the ruling party would remain in support of the measure. The Bill having fallen through earlier for want of an adequate majority, a three-line whip had been issued to Congress M. P.s. Little did the Congress members realise that they were being summoned to witness the passing away of a charismatic leader who had shaped India's destiny for over three decades.

The morning papers merely announced that Jawaharlal had returned to New Delhi after a four-day holiday in Dehra Dun. The Minister without Portfolio, Mr. Lal Bahadur Shastri, received him at the airport. Nehru looked fresh and relaxed. Jawaharlal had earlier planned to visit Ahmedabad before going to Kalimpong on June 8, for a slightly longer holiday. The newspapers announced two changes in the programme involving cancellation of the Ahmedabad trip and advancing of the Kalimpong holiday by a couple of days. Some of the newspapers had even got ready articles on Kalimpong and the preparations being made there for Nehru's stay. These had to be suddenly scrapped. Sheikh Abdullah, who was then in Pakistan, had only the previous day announced that Nehru and

Field-Marshal Ayub Khan would be meeting soon. The Sheikh was to return to Delhi before Jawaharlal left for Kalimpong on June 6, to apprise him of his talks with the Pakistan President. For this purpose the Kashmir leader had cancelled his proposed visit to East Pakistan.

When the two Houses of Parliament assembled at 11 o'clock, instead of a sense of expectancy a hush reigned within and outside the chambers. It was already known that Panditji was ill. In the Lok Sabha, the Treasury Benches were deserted, except for the Home Minister, Mr. G. L. Nanda, who came to announce in a choked voice that the Prime Minister was seriously ill and that his condition was causing anxiety. In the Rajya Sabha, there were questions to be answered by the Prime Minister. Instead of his presence came a similar announcement of his illness by the Finance Minister, Mr. T. T. Krishnamachari.

Having informed Parliament of the relapse which Nehru suffered that morning, the two leaders went back to the Prime Minister's residence. Mr. Lal Bahadur Shastri was already there, having been informed of Jawaharlal's condition at 8 o'clock in the morning and having rushed to Teen Murti House, unshaved and perhaps unbathed.

Digging into what little medical history of Jawaharlal was available I have found out that nearly ten years before his death a slight increase was noticed in his blood pressure. Sir Horace Evans, the British expert, who had examined him periodically between 1953 and 1957 had said that

there was no undue atherosclerosis or hardening of the retinal arteries. He merely noted a slight increase in the blood pressure and a very faint trace of albumin in the urine. While some of the foreign correspondents in Delhi talked, sometimes exaggeratedly, of the Prime Minister's health, no first-hand medical data was available even after his death.

Sir Horace again examined him in 1960 and found the position almost the same. A further rise in blood pressure was, however, noticed in the following years. Except for an occasional cough or cold, Jawaharlal was in perfect health till the end of 1961.

Contrary to an earlier decision, Jawaharlal had taken upon himself the task of conducting the election campaign of the Congress Party for the 1962 General Election. It was a boon for the party though the hectic tour and irregular hours impaired his health and hastened his death, costing the nation dear ultimately. Especially, he spent several anxious and busy days over Mr. V. K. Krishna Menon's election from North Bombay constituency. The doctors who accompanied Jawaharlal on the hurricane election tour often remonstrated with other Congress leaders when they tired him out with meetings and speeches. But neither they nor Jawaharlal himself heeded their word.

Hardly had he won the election for his party than Jawaharlal fell ill. He developed fever on March 26, 1962. It continued for two or three days and remained high. Later it subsided but lasted low grade for nearly three weeks. The

blood pressure went up during the illness. The doctors diagnosed a urinary tract infection, possibly to the prostate gland. A slight puffiness of the face and swelling of the eyelids were observed. His blood pressure used to rise at altitudes higher than 4,500 feet. He was administered a mild hypotensive but when it led to a noticeable fullness of the face and a slight semblance of Parkinson's disease the drug was discontinued.

Pakistani newspapers had then said that Nehru was stricken with cancer. The now defunct *Civil and Military Gazette* of Lahore had quoted "diplomatic sources" to the effect that Jawaharlal was suffering from throat cancer. This was when he had a sore throat and could not address a meeting of the Congress Parliamentary Party. American newspapers, on the other hand, reported that Nehru's ailment was uraemia, an incurable morbid condition of blood due to defective kidney action. This was evidently an exaggeration of the urinary tract infection and the temporary puffiness of the face. It is on the cards that the Chinese, when they prepared themselves for the 1962 attack on India, were banking on an invalid Nehru disappearing from the Indian scene in the wake of their aggression.

Jawaharlal was examined at this stage by many Indian physicians and by some eminent British doctors like Sir Horace Evans and Prof. M. L. Rosenheim. They seemed to think that the deterioration in his condition was primarily on account of advancing years and high blood pressure. But they were all understood to be of the view that he should

continue his normal life and activity. An X-ray sciagram of the chest had then disclosed, perhaps for the first time, dilatation of the descending portion of the aorta. Mild enlargement of the left ventricle was also believed to have been observed.

Soon followed the Chinese aggression against India, which shook Jawaharlal as nothing else did since the Hindu-Muslim rioting following the partition of the subcontinent in 1947. Heavy work, almost round the clock, and tension added to his already high blood pressure had shattered his health. However, thanks to the treatment given to him in 1962 and the constant care and attention as well as to his own indomitable will to live and lead the nation, Nehru withstood the strain and shock of the Chinese betrayal. He had also undertaken a strenuous trip to Ceylon and several visits to NEFA (North East Frontier Agency) and Ladakh.

Jawaharlal arrived in Bhubaneswar, the capital of Orissa, on January 5, 1964, to attend the annual session of the Congress. One of his doctors accompanied him there. Early in the morning on January 7, Nehru fell down while getting up from bed. He lifted himself up and went all by himself to the bathroom where he again fell down. His servant brought him to the bed. The complication was diagnosed as cerebral thrombosis. A weakness or mild paralysis of his left side was also noticed. But there was a silver lining to the dark horizon. If it had been a right-side paralysis, Jawaharlal's speech would have been affected. Immediate and expert medical attention saved his life. Jawaharlal's blood

pressure had then gone up very high. But complete rest and constant attention saved him and he was able to fly back to New Delhi on January 12.

The pressure in the aircraft was kept at about 25 inches of mercury which is the pressure at 4,500 feet above sea level. Higher altitudes, even for short periods, added to his blood pressure. This precaution was being taken in 1963 and even earlier also but after the January illness until his death in May, it was strictly followed. Partly due to his age and partly as an aftereffect of the stroke, Nehru used to find it difficult to get up from a squatting position. At Congress meetings, as at the A. I. C. C. sessions at Jaipur, New Delhi and Bombay, he had to squat on soft cushions. When he had difficulty in rising some foreign cameramen had taken photographs, a few of which had also been published as proof of his invalidity.

Another fact which hit the foreign observer in the eye was the tendency of Jawaharlal to doze off while attending a Parliament session or a public meeting. It was a kind of battle of wits. For us in India Jawaharlal was an institution. Facts of his illness and his approaching end were thus not news for us. It was like highlighting the seamy side of a god. To Western observers it appeared like deliberate suppression of an unpleasant truth. So they made much of it. It was a favourite topic of not-so-small talk at cocktail parties in those days that Nehru dozed off while Mr. Averell Harriman, the American roving ambassador, was talking to him. While it was true that age and illness had begun to tell on

him, especially after January 1964, it cannot be denied that Jawaharlal retained his mental agility until his dying day. When someone asked him whether the spells of drowsiness were due to his illness, Jawaharlal reportedly quipped ; "But I always sleep when boring speeches are made!"

On January 26, 1964, Nehru attended the Republic Day parade. He who chafed at restrictions on his movements felt invigorated after the outing. People who had seen him at the parade or had heard of his presence there were reassured¹ that if he could stand the strain so soon after the attack he was really on the road to recovery. As a matter of fact, he recovered remarkably fast. Nevertheless, for three months great precautions were taken and a constant vigil maintained on his health. A team of doctors and nursing staff was on attendance at Teen Murti House round the clock. Experts used to examine him regularly. Doctors used to shadow him in another car whenever he went out. He was, however, allowed to work moderately. The doctors did not put unnecessary curbs on his activities. For one with his active habits forced idleness would have been poison. The doctors also probably felt that the nation should have as much of his guidance as possible.

Repeated examinations of Jawaharlal by doctors at frequent intervals, however, continued. The experts met frequently and pooled their observations. This happened right up to the end. After the stroke he suffered at Bhubaneswar in January, a thorough check-up had been made. An X-ray

had shown a markedly dilated aorta. Between January and May, foreign experts like Dr. J. Cameron from Edinburgh, Prof. M. Harvey from the U.S.A. and Prof. H. Smirk from New Zealand examined Panditji. Eminent surgeons and physicians from Bombay were also consulted.

As his condition improved further, Nehru more or less resumed his daily routine. He also started going out of Delhi on important occasions. The vigil by doctors and nurses was gradually relaxed. Constant presence of doctors and nurses on the premises of his residence irritated Jawaharlal, presumably for two reasons. First, they were a constant reminder of his illness which he wanted to forget. Secondly, he seemed to have been touched to the quick by malicious criticism that a lot of money was being spent on him. Speaking generally, it will do us a lot of good if we don't let our socialist ideas affect the well-being and safety of the Prime Minister and the President. After all, their lives are more precious than rupees and paise even in a poor country with a low *per capita* income.

First, the day doctors at Teen Murti House were withdrawn. Then the night doctors were replaced by nurses. The next stage was when the day nurses were taken off duty. By now Jawaharlal was busy during most of the day except for a couple of hours' nap in the afternoon. He had more or less completely recovered by April 1964, except for the blood pressure. So, in deference to his own wishes, the night nurses were replaced by attendants who could summon doctors if necessary.

The attendants kept vigil in a room adjoining his bedroom on the first floor of Teen Murti House. A security officer also slept in a room facing Jawaharlal's bedroom. There were two telephones, one direct and the other through the exchange, in the security officer's room. Nathu had the telephone numbers of the doctors attending on the Prime Minister and had instructions to call them at any time of the night if the situation required their presence. Accordingly, Nathu telephoned the doctors at 6.30 a.m. on May 27.

The doctors who had been attending on Nehru since his January illness had been apprehending complications. So emergency treatment was kept in readiness in a room adjacent to his bedroom. (Only Mrs. Gandhi was aware of these efforts of the doctors to prolong the life of the jewel of India.) When, a fortnight before his death, Nehru visited Bombay, two physicians accompanied him. A well-known heart specialist of Bombay examined him there. On the fatal day the specialist was summoned from Bombay in the vain hope that he might hit on a way of saving his life. But by the time the doctor could arrive Jawaharlal had passed away.

Following the January illness, the foreign and Indian experts had also considered the possibility of an operation to cure the markedly dilated aorta. But it was felt that in view of his advanced years and a diffuse degeneration of blood vessels in various parts of the body he would not be able to stand such an operation which was risky even in the case of healthier and younger persons. In fact, it was con-

sidered risky even to carry out some specialised tests further to investigate the condition of the aorta.

The remarkable fact was that while expert medical opinion thought that his disease was incurable and that he was not likely to live long, Jawaharlal never allowed himself to believe that his end was near. He acted as if he would be there to guide the destiny of his countrymen for years, if not decades, to come. He was not a leader in a hurry from this point of view. At his last Press conference on May 22, though looking very tired, he displayed his remarkable zest for life. Answering a question on his successor, he remarked that his "life-time is not ending so soon." It was greeted with thunderous applause by the newsmen present there.

When Jawaharlal went to Dehra Dun for his last brief holiday, two specialists accompanied him. When they left him at 6 p.m. on May 26 after he returned from Dehra Dun they found him in a fit condition. The holiday having brightened him a little, he was in fact looking and feeling better than three days earlier. Late that evening the doctors, when they telephoned Teen Murti House, were told that Jawaharlal was cheerful and his normal self and that there was no need to examine him then.

Who would tell the nation that Jawaharlal was no more? The President, Dr. S. Radhakrishnan, the Vice-President, Dr. Zakir Hussain, Mrs. Indira Gandhi, most of his Cabinet colleagues, Mr. Morarji Desai, Mr. Jagjivan Ram, and over a score of M.P.s were present at Teen Murti House. The President reached there soon after 10 a.m. and remained at the

bedside for about an hour. He had to receive credentials from the Saudi Arabian Ambassador, a programme which had been fixed days earlier. The engagement had not been cancelled because even though Jawaharlal was gravely ill everybody had hoped against hope that he would still be with us. Until the fatal hour a little before 2 p.m. nobody could visualise the passing away of Jawaharlal. So there was no question of cancelling a diplomatic engagement. The President returned to Teen Murti House in the afternoon a few minutes before the end.

Sixteen years earlier, the same problem arose when Mahatma Gandhi was assassinated on the lawns of Birla House on Tees January Marg. Thousands had collected outside as the news spread. Jawaharlal, Sardar Vallabhbhai Patel and other close associates to Gandhiji rushed there. The iron gates were closed because there was no space inside for more people. A swelling sea of humanity waited outside. Still there was no authentic announcement that Gandhiji had been killed. Then Nehru climbed the iron gate and announced, "Mahatmaji is gone". His voice was choked with emotion. Having uttered a few words, which no reporter had taken down, he broke down. The thousands gathered outside wept in unison. When he saw the crowd weeping, Nehru recovered himself and said: "We can best serve Bapu by dedicating ourselves to the ideals for which he lived, the cause for which he died."

This was symbolically the difference between India bereaved by the assassination of Mahatma

Gandhi and India orphaned by the passing away of Jawaharlal. Notwithstanding the passage of sixteen years which had seen many a national leader pass away, India was not prepared psychologically to hear and speak of Nehru's death. There was no Nehru to tell the nation on May 27 that the light had gone out of its life. First, Mr. Lal Bahadur had not yet been chosen the successor, as Nehru was when Gandhiji called him his "political heir". Secondly, neither temperamentally nor physically is Mr. Lal Bahadur a Nehru. He could never have faced the public to announce the news.

From 11 a.m. onwards people started collecting outside Teen Murti House. They included Members of Parliament, newspapermen, officials and men in the street. At about midday, Mr. Nanda came out of Jawaharlal's bedroom on the first floor and told the waiting newsmen that there was no change in Panditji's condition. The doctors, as they moved in and out, hardly spoke to the reporters. It was all a guessing game in grief. Seeing a cardiograph machine we presumed that it was heart trouble. The news had also spread that a heart specialist had been summoned from Bombay. A press briefing by an official of the Press Information Bureau said at 12 noon that the Prime Minister had complained of pain in the back and was unconscious. Later, after the passing away of Nehru, the then Union Home Secretary, Mr. V. Viswanathan, said that Nehru had "a heart attack and shock". This was evidently the layman's version of the medical opinion that Nehru had developed a cardiovascular

crisis. After all, the onset of the complication was in the region of the big blood vessel emerging from the heart!

It was a typical death house. Nobody knew what to say and what not to say. A little before 2 p.m. the President hurriedly arrived at the Prime Minister's house. To the journalists waiting outside it was an indication that there was further deterioration in Nehru's condition, but nobody would say that he was no more. The then Information and Broadcasting Minister, Mr. Satya Narayan Sinha, was there as were most members of the Cabinet. When it was known that Panditji had died, an official approached Mr. Sinha with a request to announce the news to the Press. But he could not.

The task of informing Parliament was entrusted to Mr. C. Subramaniam, the then Minister for Steel, Mines and Heavy Engineering, a relatively junior colleague of the late Prime Minister. He reached the Lok Sabha at about 2.20 p.m. and said: "I have very grave news to announce to the House and to the country. The Prime Minister is no more. The light is out."

In the confusion and chaos that followed the passing away of Jawaharlal, there were many things which should not have been done or which could have been avoided. Criticism had been voiced that All India Radio failed to announce the death and had, on the other hand, misled the listeners by saying that the President would soon broadcast to the nation. It was one of the results of the dilemma as to who should announce the loss of Jawaharlal to

the nation. Who could do it ? Critics have said that a telephonic enquiry at the Prime Minister's house would have confirmed the news for All India Radio. But who could be contacted on the telephone and who would have confirmed it? The nation had literally run berserk as if a paralysis had smitten the entire country. The telephone lines were cluttered up. Everyone who had access to a telephone was ringing up everyone else.

It was first thought that the President would at once address the nation and convey the sad news. But he had more important work on his hands. With the death of the Prime Minister ended the Government led by him. A new government had to be formed, literally, within minutes. There was no Deputy Prime Minister who could be asked to head the Government. In the United States, the Vice-President automatically succeeds a dead President. In a monarchical set-up as in the United Kingdom the line of succession is always kept up-to-date. True, under the Indian Constitution the President being the repository of all authority there would have been no technical end of government. But for the President to assume administrative responsibility would have been an abnormal development giving rise to more problems. It was also not clear that the President could do so. Above all, it was not merely a question of finding a Prime Minister, but one of choosing Jawaharlal's successor.

The President did what was best in the circumstances and saved the nation from confusion and

chaos. He named the seniormost member of the outgoing Cabinet, Mr. G. L. Nanda, Prime Minister and asked him to assume charge of the administration. Significantly, the President said after administering the oath of office to Mr. Nanda at Rashtrapati Bhavan : "We are all passing through a period of crisis. The only way we can show our respect to Jawaharlal Nehru is by adopting an attitude of freedom from every kind of prejudice."

This was a problem India did not have to face when Gandhiji died on January 30, 1948. He was, first of all, not in Government and the choice of a successor to him did not arise. To the nation bereaved by his death he had already indicated that Jawaharlal would succeed him as the supreme leader. Then there was a host of others, all stalwarts, to stand by Nehru and help him govern the country. During the intervening sixteen years between the assassination of Gandhiji and the passing away of Nehru most of the old guard had withered away. Sardar Vallabhbhai Patel, Maulana Abul Kalam Azad, Mrs. Sarojini Naidu, Pandit G. B. Pant, Rafi Ahmed Kidwai. Dr. Rajendra Prasad—they all had died. Mr. C. Rajagopalachari has left the Congress and drifted into wilderness. Hence the void after the end of the Nehru era.

Teen Murti House where Jawaharlal lived for 16 years was an abode of gloom especially after the cremation. In the garden, the jasmine and the bougainvillae were in bloom. So were the roses. But he who had a ready eye for a thing of beauty

was gone. The rose has withered away, only the perfume lingers, said one of the gardeners.

Since he became a regular resident of New Delhi, Nehru changed his house only once. As Vice-President of the Interim Government and for a while as Prime Minister, he stayed on York Road. Opposite lived Sardar Vallabhbhai Patel. Then Jawaharlal shifted to Teen Murti House which was earlier the residence of the Commander-in-Chief of the Army.

Inside the house everything seemed the same yet everything had changed, imperceptibly. The bookcases filled with tomes which were his lifelong companions, the souvenirs from the four corners of the world, the numerous photographs, all appeared to mourn the loss which the tricolour flying at half-mast overhead proclaimed. An earthen lamp burned in the bedroom instead of the light that had shone until two days ago. Most of the furniture had been removed from the room and preserved for the Nehru Museum which has now been established. Serene in her sorrow, Mrs. Indira Gandhi bore the loss stoically, receiving countless callers. Outside hovered his three pet dogs, Putli, Peppy and Madhu.

Death houses have an awe-inspiring aura which makes living in them uncomfortable. After the funeral, it was painful even to visit Teen Murti House. We did not feel it in the case of Gandhiji because perhaps he had no house. The Birla House on the lawns of which ended his life stirred no nostalgic memories save the gruesome spectacle of the shooting. But more than even Anand Bhavan in Allahabad Teen Murti House had come to bear the



imprint of Jawaharlal's personality. With the end of the Nehru era a hollowness descended on it.

The following week, the Agent of the New Delhi branch of Allahabad Bank called at Teen Murti House to hand over to Mrs. Gandhi a large white envelope containing Jawaharlal's Will and Testament.³ It was deposited with the bank nearly 10 years ago, on June 20, 1954, by Mr. M. O. Mathai who was then personal private secretary to Nehru. The covering letter said that in the event of Nehru's death the will and testament should be handed over to his daughter, "Mrs. Indira Priyadarshini". If she predeceased Nehru "the sealed envelope is to be handed over to Shri Jawaharlal Nehru's grandsons, Rajiv Ratna Nehru Gandhi and Sanjaya Nehru Gandhi."

An agnostic who had all his life abhorred ritual, Jawaharlal's last rites were performed according to the Hindu tradition. This was in spite of his wishes to the contrary. The charm of Hinduism perhaps lies in the fact that born a Hindu one dies a Hindu whatever be one's personal beliefs and attitude to religion.

Another interesting sidelight is Nehru's description, in the covering letter to the will, of Mrs. Gandhi as Indira Priyadarshini, her maiden name. The only child of Jawaharlal, she was in effect both his son and daughter throughout his life. Similarly, her two sons, Rajiv and Sanjaya, belonged more to the Nehru family than to the paternal lineage. Hence perhaps the compound surname of Nehru-Gandhi.

3. See Appendix for the published part of the will.

Wheels Within Wheels

Although the announcement from Rashtrapati Bhavan about the swearing in of Mr. G. L. Nanda as the new Prime Minister did not say that it was a stop-gap arrangement, it was widely known to be so. The newspapers had said that Mr. Nanda had merely stepped into the breach. An emergency meeting of the Nehru Cabinet minus Nehru recommended Mr. Nanda's name for Prime Ministership. The President accordingly asked him to head the Government, but the problem was not so simple.

The next day's newspapers hinted at an imminent tussle for the leadership of the party and the Government. Two names were mentioned as possible contenders : Mr. Lal Bahadur Shastri and Mr. Morarji Desai. In the words of one of the newspapers, "the process of evolving an acceptable leader may have already started." It was said that the Congress Working Committee had to decide the issue in consultation with the State Chief Ministers who started converging on the Capital for the funeral. It was significant that within hours after Nehru's death the feeling had gained ground that the Congress Parliamentary Party was not politically capable of choosing a new leader and that a wider consensus had to be sought. The *modus operandi*

also seemed to have been worked out. Even if the decision lay *de facto* with persons outside the Parliamentary Party it was to receive the *de jure* approbation of the Congress M.Ps. According to *The Statesman*, "in the event of unanimous choice by the Working Committee the Parliamentary Party will accept the nominee of the High Command, it is stated."¹

The Congress President, Mr. K. Kamaraj, arrived in New Delhi late in the afternoon of May 27. He met Mr. Nanda, Mr. Lal Bahadur Shastri and Mr. T. T. Krishnamachari, which was interpreted as evidence of formal consultations on the election of a new leader. But grief-stricken Mr. Lal Bahadur would not let reporters broach the topic. Mr. Nanda was too busy looking after the arrangements for the funeral. Mr. Kamaraj's arrival in New Delhi was regarded by many as the beginning of the process of choosing the successor. But being a man of few words he would not say if he had any plan up his sleeve for a smooth changeover from Jawaharlal Nehru to his unnamed successor. The only point brought out by Press reports on the following day was that "the organisation will be the deciding factor—informal of course—in naming a new parliamentary leader for the party."

It was also known that the Congress Working Committee would be meeting soon after the funeral and that it might make a "recommendation" to the Parliamentary Party about the new leader. The next day India cremated one of her noblest sons and

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perhaps the greatest political leader. Even while a sandalwood fire was consuming the body of the maker of modern India confabulations began among the politicians as to who should step into his shoes. Mr. Lal Bahadur was busy until late in the afternoon with the supervision of the funeral preparations. He was seen going to the cremation ground at dusk to ensure that the body had been fully consumed. This is an aspect of the last rites about which the Hindus are particular. Mr. Kamaraj had a meeting with him in the morning when he was understood to have indicated his readiness to be a candidate for leadership if the choice was going to be unanimous. He was for avoiding a contest even if it meant his stepping down.

On the other hand, Mr. Morarji Desai, to quote the *United News of India*, was the first "to throw his hat in the ring." Soon after the funeral he had discussions on the subject with some of his close associates. According to one of them, he had agreed to be a candidate. Mr. Desai also made it clear that there should be a contest for the leadership and that he could not withdraw his candidature merely for the sake of unanimity. Significantly, there was no meeting on that day between Mr. Desai and Mr. Kamaraj who, it was acknowledged on all hands, would play a decisive role in the choice of the party leader. Neither Mr. Kamaraj nor Mr. Desai took the initiative for such a meeting. According to some supporters of Mr. Desai, the *United News of India* report about his readiness to contest the leadership election was "premature". Some had even read political

motives into what was apparently a "scoop" by UNI. They argued that the publication of the report on the morrow of the funeral had done immense harm to Mr. Desai's chances. That the general manager of the news agency was closely associated with Mr. Lal Bahadur was advanced by these M.P.s as proof of Mr. Lal Bahadur's inspiration for the report. But when it was a fact that Mr. Desai wanted to seek election and when he had had informal discussions on the subject with his supporters, reporting them was unexceptionable. If the matter could be mooted by Mr. Desai and his friends on the day of the funeral what was wrong in stating it on the following day? As for the phrase, throwing the hat in the ring, though an Americanism, it aptly summed up the situation.

The Hindustan Times gave the other side of the picture. It disclosed that several M.P.s were addressing a letter to Mr. Kamaraj challenging the High Command's right to advise the Parliamentary Party in the matter of choosing its new leader. Significantly, the report added : "In their opinion any leader who is chosen on the Executive's advice will be a weak one inasmuch as he will not have the sense of strength that he will enjoy if he were to win the majority support on his own." Dr. Hare Krushna Mahatab of Orissa and Mr. Ravindra Varma of Kerala were among the signatories to the letter. Dr. Mahatab put me wise about the episode. It was clear from his explanation that the action of the M.P.s was not motivated by partisan considerations. It was prompted by a desire to uphold a time-honoured

parliamentary principle, though it was rarely acted upon in India. The signatories told the Congress President that the right of the Parliamentary Party to elect its leader should not be taken away by the Working Committee. Subsequently, Dr. Mahatab met Mr. Kamaraj and stressed the following points :

1. The election of the leader should be held as quickly as possible because continuance of the caretaker arrangement would have a bad effect on the administration.

2. The Parliamentary Party should elect the leader. Each limb of the Congress should perform its prescribed function. If free play was not allowed to these functions party unity might be affected and a bad precedent set for the future.

3. The choice of the Parliamentary Party should be unfettered by any kind of direction. If at all the Working Committee thought that it should have a say in the matter it could regulate the contestants rather than the party M.P.s, by issuing directives to them. The Working Committee could restrain candidates whom it did not approve of from seeking election. But if there were more than one candidate the party should have freedom of choice.

4. The choice of the Prime Minister should not be left to the Chief Ministers of the States because the Prime Minister would have to guide and discipline the Chief Ministers. If the Prime Minister was chosen by the Chief Ministers he would become a tool in their hands instead of being their guide and captain.

The points raised by Dr. Mahatab are unexceptionable. But there was evidently some confusion in

the minds of some of the signatories, especially those like Dr. Mahatab and Raja Rameshwar Rao, who repeatedly stressed that they were not prompted in writing the letter by partisan considerations. For instance, when they said that the Working Committee should not issue any directive to the M.P.s but should, if it felt necessary, ensure that candidates whom it did not approve of were not in the field, Dr. Mahatab and his friends were labouring the obvious. The Working Committee would never as a body have canvassed support for any particular candidate. So there was no question of its issuing a mandate to the M.P.s to vote in a particular manner.

As for the second suggestion that the Working Committee could ensure the elimination from the contest of persons it did not approve of would, if it had been acted upon by the High Command, have amounted to issuing a directive in favour of a candidate. The academic worth of the principle restated by Dr. Mahatab and his friends was never in doubt. But in practice whether the Working Committee, in open violation of a time-honoured principle, issued a fiat to the party M.P.s to vote for a particular candidate or succeeded, through back-door methods, in eliminating from the contest those whom it did not like, the result would have been the same. This self-contradiction in the stand of these M.P.s was presumably due to differences among them about the candidate they should support. They were all united in upholding the right of the Parliamentary Party to elect freely the new leader. But some of them were mentally unreconciled to the likely result of such a

course of action. To illustrate the point, if the Parliamentary Party had been left absolutely free to choose its leader, if a contest had become unavoidable and if Mr. Lal Bahadur had persisted in his opposition to a contest, the result would have been the election of Mr. Desai. Many of them were not for such a consummation. One could understand the M.P.s being prepared for it and insisting on their right to elect the leader freely. But it was not understandable how they could reconcile their adherence to the principle with an unpreparedness to reap the result of its implementation. The suggestion that the High Command could discipline the candidates was evidently to wriggle out of the situation.

There was another significant aspect to the matter. These M.P.s did not want the caretaker arrangement to be continued indefinitely. This attitude was at variance with that of Mr. V. K. Krishna Menon, Mr. K. D. Malaviya and their handful of friends who wanted the *status quo* to be prolonged and the A.I.C.C. also brought into the picture. Ironically, a good number of the signatories to the letter and the supporters of Mr. Krishna Menon ultimately came round to a position of preferring Mr. Desai to Mr. Lal Bahadur Shastri.

In other words, the tussle, while getting crystallised, was developing along two lines : first the supremacy of the parliamentary wing over its organisational counterpart in the matter of choice of the new leader and secondly the need for a strong man at the helm of national affairs. Both these arguments found repeated expression during the next few days in the

course of the marathon debate between the protagonists of Mr. Desai and the supporters of Mr. Lal Bahadur. Meanwhile, Mr. Kamaraj started stressing the need for an unanimous election of the new leader. According to *The Indian Express*: "He is credited with the view that the party owes to itself and the country that its new leader should be unanimously chosen."

On the following day, May 29, Mr. Kamaraj continued his consultations individually with the Chief Ministers and some other members of the High Command. The only leader with whom he did not discuss the succession issue was Mr. Desai. It was clear that he was quietly pursuing his consensus idea unmindful of the raging controversy between the parliamentary and organisational wings of the party.

Meanwhile, *Patriot*, which is regarded as a mouth-piece of pro-Communist "progressive" Congressmen like Mr. Krishna Menon and Mr. Malaviya introduced a red herring into the complicated situation. After dwelling on the dispute between the Working Committee and the Parliamentary Party the newspaper said on May 29 that "the members of the executive (of the Parliamentary Party) do not want the question to be decided in a hurry... The present arrangement, most of them feel, should continue for some time." By the present arrangement was meant Mr. Nanda's Prime Ministership on a caretaker basis. As we have noted earlier, this is not borne out by the contents of Dr. Mahatab's letter to the Congress President.

The *Patriot* reported on May 30 that the demand for the selection of a successor "through democratic processes" gathered strength on Friday (May 29). "It has been suggested that for the present the arrangements made unanimously by Jawaharlal's Government, soon after his death, to carry on the administration, should not be disturbed and a joint meeting of the A.I.C.C. (All India Congress Committee) and the Parliamentary Party convened at the earliest," the newspaper claimed. The strategy was clear. First, the unanimous choice of the leader without going in for a formal election was dubbed undemocratic. That was the meaning of the assertion that the selection of the successor should be "through democratic processes." Secondly, free use was made of the name of Jawaharlal Nehru and the loyalty which the people owed him. Otherwise what the *Patriot* had described as Jawaharlal Nehru's Government after his death consisted of all those who were one with the Congress President that an open election should be avoided. The opponents of Mr. Lal Bahadur within the Congress organisation, notably Mr. Morarji Desai, Mr. Jagjivan Ram and Mr. V. K. Krishna Menon, were not members of the Nehru Government.

The *Patriot* further insisted that the election of the leader should be left to a joint meeting of the A.I.C.C. and the Parliamentary Party "without interference from above." It is difficult to reconcile this suggestion with the principle that the Parliamentary Party alone should choose its leader. What was the *locus standi* of the A.I.C.C. in the matter? How did it

come into the picture? The purpose behind this strategy was merely to widen the area of a possible conflict and then to fish in the troubled waters. The *Patriot* school of thought was aware that even inside the Congress Parliamentary Party Mr. Desai's supporters did not enjoy a majority. Even including the Scheduled Caste followers of Mr. Jagjivan Ram, whose number was put at between 85 and 102, Mr. Desai's supporters would not have exceeded 200 in the total strength of 537 of the Parliamentary Party. Of these 374 were from the Lok Sabha and 163 from the Rajya Sabha. Statewise the strength was : Andhra Pradesh 46, Assam 16, Bihar 57, Gujarat 25, Kerala 12, Madhya Pradesh 36, Madras 43, Maharashtra 56, Mysore 34, Orissa 20, Punjab 21, Rajasthan 20, Uttar Pradesh 82, West Bengal 33, Delhi 8, Himachal Pradesh 6, Manipur 3, Pondichery 2, Andaman & Nicobar 1, Dadra & Nagar Haveli 1, Laccadive Islands 1, Nagaland 2, NEFA 1, Tripura 1, Jammu & Kashmir 10.

As his ill-luck would have it, Mr. Desai's supporters were mainly from States with relatively smaller number of M.P.s. Uttar Pradesh was the only exception, but there the two groups led by Mr. C. B. Gupta and Mr. Kamlapati Tripathi were evenly matched. The Tripathi Group surprisingly hitched its wagon to the waning star of Krishna Menon-Malaviya Group. But it also enjoyed the support of Central leaders like Mr. Nanda and Mrs. Indira Gandhi. So if the Gupta Group had solidly stood behind Mr. Desai,—as a matter of fact, it did not, in contravention of Mr. Gupta's stand—the rival

faction would have plumped for Mr. Lal Bahadur. There were also wheels within wheels. Mrs. Sucheta Kripalani, for instance, though owing her Chief Ministership of Uttar Pradesh to Mr. Gupta's backing, did not see eye to eye with him in supporting Mr. Desai.

Mr. Desai's bastions of strength, Gujarat, Orissa, Punjab and Jammu and Kashmir together accounted for only 76 votes. The anti-Sanjiva Reddy Group in Andhra Pradesh, which was led by Mr. D. Sanjivayya, was a minority. Even this minority was not prepared to back Mr. Desai against Mr. Lal Bahadur because its quarrel was only with Mr. Sanjiva Reddy and not with those whom he supported. Mr. Sanjivayya, especially, had very close and cordial relations with Mrs. Indira Gandhi and Mr. Lal Bahadur. If Mr. Jagjivan Ram had been in the field it would have been a different kettle of fish. Mr. Sanjivayya and other Harijan representatives might have then backed him even against Mr. Lal Bahadur.

A confidant of Mr. Desai, however, presented a more optimistic picture to me on May 30. According to this calculation, Mr. Desai enjoyed the support of 20 per cent of Andhra M.P.s, 50 per cent from Assam, 75 per cent from Bihar, 10 per cent from West Bengal, 60 per cent from Orissa, 20 per cent from Madras, 50 per cent from Kerala, 25 per cent from Mysore, 60 per cent from Punjab, 85 per cent from Gujarat, 50 per cent from Jammu and Kashmir and 55 per cent from Uttar Pradesh. He further claimed that even after the Defence Minister, Mr. Y. B. Chavan, had decided on May 31 to throw in his lot with

Mr. Lal Bahadur 40 per cent of the Maharashtra M.P.s were with Mr. Desai. He had taken into account Mr. S. K. Patil's support for Mr. Lal Bahadur while arriving at this figure. Converting these percentages into number of votes, the figures would be :

Andhra Pradesh	9
Assam	8
Bihar	43
Gujarat	20
Kerala	6
Madhya Pradesh	21
Madras	8
Maharashtra	22
Mysore	14
Orissa	12
Punjab	16
Rajasthan	12
U.P.	43
West Bengal	3
Delhi	4
Jammu & Kashmir	7

This would add up to 248 out of 537 votes.

But in actual practice Mr. Desai's supporters in the Hindi-speaking States of Bihar, Madhya Pradesh and U.P. mysteriously switched their loyalty to Mr. Lal Bahadur at the eleventh hour. This was in spite of their group leaders' continued preference for Mr. Desai. We shall consider the possible motives for this *volte face* elsewhere.

On the other side was the phalanx of South Indian representatives from Tamil Nad, Mysore,

Kerala, Andhra Pradesh and Pondicherry. They were all committed to support Mr. Kamaraj's candidate, who in this case was Mr. Lal Bahadur. The Maharashtra M.P.s led by Mr. Chavan and Mr. S. K. Patil also toed the line. West Bengal under Mr. Atulya Ghosh was similarly with Mr. Lal Bahadur. Madhya Pradesh M.P.s owing allegiance to the Chief Minister, Mr. D. P. Mishra, were sitting on the fence, but as long as Mrs. Indira Gandhi was not a candidate, they would not have antagonised Mr. Kamaraj and voted for Mr. Desai.

The *Patriot* was not unaware of the fact that the picture would not have been different if the A.I.C.C. also had been roped in. In almost all the States the same leaders controlled the organisational wing, especially after the Kamaraj Plan came into operation. Where the tug of war continued unabated, as in U.P., the position was far from clear. No doubt, soon after the implementation of the Kamaraj Plan there were indications that its victims might gang up against the central leadership including Jawaharlal. But the situation changed after the Bhubaneswar session of the Congress. In group politics of this kind there could be no consistency in adherence to personalities. For instance, the anti-ministerialist group in Bihar led by Mr. Binodanand Jha was not oblivious of the fact that given the support of Mr. Kamaraj it might retrieve the lost position. The opponents of Mr. D. P. Mishra in Madhya Pradesh, the minority faction of Mr. Mandloi, would similarly be not averse to get back into the good books of Mr. Kamaraj. Ultimately the tendency in

such a situation would be to back the winner rather than burn one's boats *vis a vis* the new centres of power.

In this connection it should be noted that the solid support which Mr. Biju Patnaik,* late Mr. Partap Singh Kairon and Bakshi Ghulam Mohammed had extended to Mr. Desai was not for altruistic reasons. Nor was it a case of pure and undying personal loyalty. The late Mr. Kairon and Bakshi had already lost the game, having been disowned by the national leadership, on the corruption issue. So by coming out in the open against the central leadership, which was responsible for their undoing (this was imminent in the case of one and a settled fact in the other) they thought they might at best deflect Mr. Kamaraj and Mr. Lal Bahadur from carrying to the logical conclusion the action being contemplated or already initiated against them. (The Das Commission report into charges of corruption against the late Mr. Kairon had not yet been finalised and published, though Mr. Kairon must have been aware of the trend of its thinking). In the case of Bakshi, there was still a ray of hope in those days that he might stage a come back given the connivance of the Centre. If the worst happened and they lost, they would be paying back the central leadership in its own coin. Next to self-preservation, desire for vengeance weighs with human beings.

Not satisfied with introducing such a red herring, the *Patriot* also tried to cash in on Jawaharlal Nehru's popularity. It said that the suggestion of a joint meeting was in consonance with the wishes

expressed by the former Prime Minister on several occasions and that it was meant "to stop the persistent canvassing." The *piece de resistance* of the report was a sentence : "It is learnt that the candidates ranged against the Prime Minister, Mr. G. L. Nanda, are Mr. Morarji Desai, Mr. Jagjivan Ram and Mr. Lal Bahadur Shastri."

The Congress Working Committee met on Saturday (May 30) and adopted a condolence resolution on the passing away of Jawaharlal Nehru. It decided to meet again on the following morning for the specific purpose of fixing a date for the election of the new leader by the Parliamentary Party. The executive of the Parliamentary Party also met on the same day and decided that the election of the leader should be held before the end of "the present session of Parliament" which was to last four more days.

The political correspondents interpreted this as a rejection of a "rather feeble move from a section of the party to postpone the election for a couple of months". The postponement idea owed itself to the so-called Left group of Mr. Krishna Menon and Mr. Malaviya. That the executive summarily rejected it showed how the relations were between this group and the supporters of Mr. Desai who were unduly vocal in the Executive. The so-called Left group was bent on preventing an early election of Mr. Lal Bahadur because that would deprive them of an opportunity for manoeuvre. When it was clear that the central leadership of the party was solidly behind Mr. Lal Bahadur and that it was trying to prevent an unseemly and unnecessary wrangle in the

open, the only hope of a pressure group lay in prolonging the controversy. Further, if instead of the consensus being ascertained an open election was held the supporters of Mr. Desai, who were clearly in a minority, would seek the support of the "Leftists" and be beholden to them in the future. But, presumably realising the position within the Party of the so-called Left group and the bad odour about some of its ringleaders, Mr. Desai and his supporters had not by then responded to the overtures of the "Leftists". Though Mr. Malaviya subsequently denied that he and his supporters had come to "some kind of agreement" with Mr. Desai, I have it on the authority of an M.P., who is very close to Mr. Desai, that at a crucial stage in the controversy Mr. Krishna Menon had sent word to Mr. Desai offering the support of his group to the former Finance Minister.² This had given rise to rumours in the lobbies that if elected party leader, Mr. Desai would make Mr. Krishna Menon his Foreign Minister. It was

2. P. T. I. reported on June 9 the following statement of Mr. Malaviya. Denying that he had come to "some kind of agreement" with Mr. Desai, the former Oil Minister said : "This surprised me very much because the death of Jawaharlalji was such a shock to me that I was far from thinking in terms of Government and offices. But the persistence of those who were spreading these rumours made me resolve that as soon as the period of national mourning was over, I should make it clear that there was never any question of my trying to form any kind of a faction with any of the leaders, least of all with Mr. Morarji Desai.

"There has been no occasion for me since I left the Government to meet Mr. Desai or talk to him on any subject connected with Congress politics or our policies," he added.

Significantly, the statement was issued long after the election had taken place.

not long ago that Mr. Desai and his friends looked askance at Mr. Krishna Menon's belligerently pro-Communist thinking and his mishandling of the country's defence. For instance, in the critical days of October 1962, after the Chinese troops started pouring down our unguarded frontiers in the North East Frontier Agency many of those who were cheek by jowl with Mr. Morarji Desai had raised the banner of revolt in the Parliamentary Party and demanded Mr. Krishna Menon's dismissal as Defence Minister. Notable among these M.P.s were Mr. Ravindra Varma and Raja Rameshwar Rao. They did not hesitate to raise the issue in the Executive of the Parliamentary Party and approach Jawaharlal for action against Mr. Krishna Menon. According to one section of opinion Mr. Morarji Desai's failure to lead this group then had cost him the Prime Ministership of India. If he had been true to his conviction then and openly spearheaded the demand for Mr. Krishna Menon's expulsion from the Cabinet, he would have shown his mettle as a prospective Prime Minister, who, during Jawaharlal's life-time, did not hesitate to disagree with him openly in the interest of the country.

Politics does make strange bedfellows. Mr. Desai had forgotten all his past dislike for Mr. Krishna Menon and evidently agreed to accept his support. Mr. Krishna Menon, for his part, was not inhibited by Mr. Desai's past attitude towards him. He apparently thought that the time was opportune for striking a bargain with his former *bete noire* and getting out of the wilderness. But this mood of Mr. Krishna

Menon did not evidently last long. Hardly three days later when Mr. Kamaraj, while ascertaining the wishes of the M.P.s, asked for Mr. Krishna Menon's preference the latter opted for Mr. Lal Bahadur. It was perhaps a case of backing the winner!

Significantly, in the months following the election of Mr. Lal Bahadur as the leader of the Party, Mr. Desai and Mr. Krishna Menon started speaking more or less in identical terms against the Prime Minister's efforts to normalise relations with Pakistan. Mr. Desai, however, did not hesitate to cultivate such fellow-travellers of the so-called Left group as Mr. Biju Patnaik, the late Mr. Kairon and Bakshi Ghulam Mohammed, because they could deliver the goods unlike Mr. Krishna Menon and Mr. Malaviya.

The Congress President had a final round of discussions with Mr. Lal Bahadur, Mr. Desai and Mr. Nanda on Saturday (May 30) night. This was the first meeting between the Congress President and Mr. Desai since Jawaharlal Nehru's death and the announcement of Mr. Desai's decision to contest the election. Mr. Kamaraj also met Mr. S. K. Patil, Mr. Atulya Ghosh, Mr. N. Sanjiva Reddy, Mr. Jagjivan Ram, Mr. Krishna Menon and the Chief Ministers of Mysore, Madras, Maharashtra and Kerala. He was already, evidently, canvassing the idea of a consensus to avoid an open election. *The Times of India* reported that the prospects of unanimity seemed reasonably good. It added "Ways and means have been explored to avoid an open contest. If necessary, wishes of the Parliamentary Party may be ascertained informally by the Congress

President. This might, further, not be necessary in the event of the Working Committee reaching a unanimous conclusion on the choice of the new leader." By now an amicable settlement had been reached of the controversy that had developed in the previous three days between the Parliamentary Party and the Working Committee. The Executive of the Parliamentary Party agreed that the wishes of the High Command should be ascertained before the election if one was to take place. It further felt that, as far as possible, there should be unanimity in the choice of the new leader. Mr. Satya Narain Sinha, Minister for Parliamentary Affairs, who attended the Executive meeting, made it clear that there was no question of the election of the leader being postponed. "This is a Caretaker Government and it cannot continue indefinitely", he said.

Meanwhile, eighteen members of Parliament belonging to the Scheduled and Backward classes decided at a meeting that Mr. Jagjivan Ram also should contest the election. The participants in the meeting included two Union Deputy Ministers, Dr. Mono Mohan Dass of West Bengal and Mr. B. S. Murty of Andhra. These supporters of Mr. Jagjivan Ram also indicated that Mr. Jagjivan Ram had agreed to contest the election though, they added, he would be willing to step down if unanimity was reached in the choice of the leader.

According to some observers, this was a clever ruse by a section of the central leaders to drive a wedge between Mr. Desai and Mr. Jagjivan Ram. Hitherto Mr. Desai was counting on the Scheduled

Caste votes which were at the disposal of Mr. Jagjivan Ram. If Mr. Jagjivan Ram himself were a candidate those votes would not be available to Mr. Desai. As a matter of fact the announcement of Mr. Jagjivan Ram's candidature and the hopes it had aroused in the breast of the former Transport Minister had largely put paid on Mr. Desai's ambitions. But for this master stroke of diplomacy, coupled with the last minute *volte face* by the M.P.s from the Hindi-speaking areas, Mr. Desai would not have so quietly acquiesced in the decision which the Working Committee had taken on the following day to decide the leadership issue by consensus without recourse to an open election.

But the so-called Left group was not daunted by the facts of life. On May 31 the *Patriot* came out with a report claiming that Mr. Nanda had emerged as only choice for leadership of the Congress Parliamentary Party "capable of achieving the widest possible agreement." The following hypothesis was put forward by the newspaper to justify its conclusion. It was (i) the only way to avoid a contest was to maintain the *status quo*, (ii) neither Mr. Desai nor Mr. Lal Bahadur would be able to secure enough support from the party to ensure stability and if one of them was elected, as would be the case in an election, the supporters of the other would be antagonised, and (iii) if the High Command lent its support to either of them it would be faced with a challenge from the "ranks" and the unity of the party would be irreparably damaged.

The paper also claimed that Mr. Jagjivan Ram

had told Mr. Desai that he and his followers would extend full support to Mr. Nanda if he were to be the "official" candidate. True to its wont, the *Patriot* dragged Mrs. Gandhi also into the controversy. Using as a peg the loud thinking of the Madhya Pradesh Chief Minister, Mr. D. P. Mishra, that Mrs. Gandhi would be a worthy successor to Jawaharlal Nehru, the *Patriot* said that while declining to be a candidate Mrs. Gandhi "is inclined to favour the *status quo* and will prefer Mr. Nanda to continue to lead the party."

It further said that it was increasingly becoming evident "that if Mr. Shastri remains in the field a very big section of the anti-Morarji vote would go over to the former Finance Minister "in spite of distaste for the policies which Mr. Desai pursued while in office, simply to bar the election of Mr. Shastri." This is innuendo with a capital "i". First, the opposition to Mr. Desai in the party was not on account of the policies which he had pursued as Finance Minister. Those were the policies which the Congress Party and Parliament had endorsed though, as it became increasingly clear, with the lull developing in the conflict with China those policies had become unpopular and had cost the party a few parliamentary by-elections. But during Mr. Desai's tenure as Finance Minister they were never repudiated by the Party. It was a different matter that the Congress

3. Mrs. Gandhi reportedly addressed a letter to Mr. Kamaraj suggesting that Mr. Nanda should continue as Prime Minister. As far as I could gather she said in that communication that in the event of an open contest becoming unavoidable the *status quo* should continue.

organisation had ceased to be a transmission belt between the administration and the country. But that was not entirely Mr. Desai's fault. The only people who consistently interpreted Mr. Desai's monetary and fiscal policies and his ideological predilections as pro-Western were the Communists, within and without the Congress Party. Therefore, the threat of the *Patriot* amounted to saying that the handful of supporters of Mr. Krishna Menon and Mr. Malaviya would vote for Mr. Desai "simply to bar the election of Mr. Shastri" and "notwithstanding their distaste for the policies pursued by Mr. Desai." To call this "a very big section of anti-Morarji vote" was in keeping with the other claims of the newspaper and the people whose views it projected.

On the same day we learnt from the *Patriot* that "the Leftist members, who, for the first time have begun functioning in a co-ordinated manner, looked upon the election as an opportunity for a reiteration of the basic policies of Jawaharlal Nehru and for evolving a leadership which would implement them." Reducing these platitudes into simple phraseology it seemed that these gentlemen would like a person like Mr. Nanda, who did not enjoy much support either in the Parliamentary Party or in the A.I.C.C., to be the Prime Minister so that by paying lip sympathy to Jawaharlal Nehru's policies they could gain a foothold within the party and also influence the Prime Minister.

It must be conceded in this connection that policies played very little part in the succession

struggle. Outwardly both Mr. Desai and Mr. Lal Bahadur subscribed to the same policies. While dogmatism and a false sense of prestige might have made Mr. Desai stick to unpopular and even unwise decisions, Mr. Lal Bahadur would have, as recent months have shown, adapted himself to the changing circumstances and shown resilience in thinking and action. He was capable of bringing pragmatism to bear on policies which sometimes tended to be doctrinaire. This, it seemed at that time, would be a boon to the Congress Party and the country. On the other hand, Mr. Desai's dogmatism and penchant for rubbing people on the wrong side had made him unpopular in the party. The southerners, for instance, *en bloc* felt that he would thrust Hindi down their unwilling throats in the name of national integration and were pitted against him. The average Congressman all over the country was apprehensive that his rigid approach and dogged adherence to what might in the long run be laudable principles would land the party in trouble by giving a handle to the Opposition. In contrast, Mr. Lal Bahadur was more acceptable to such persons because he was essentially a liberal, given to responsive reaction to the varying moods of the people. But these considerations, if at all, played a relatively small part in the game of power politics.

When I asked Mr. Desai why he did not come out with a categorical declaration of his policies when he felt strongly that those policies and their faithful implementation were necessary in the

national interest, he frankly replied that such an enunciation would have made no difference to his election prospects. In fact, there was never any dispute about policies. Even Mr. Desai, who was widely believed to be pro-Western could not have taken India into alignment with the West because a climate of make-believe prevailed in the country. Hypothetically speaking, even if Mr. Desai had dared to be honest and said that non-alignment as interpreted by Mr. Krishna Menon had ceased to be after the Chinese attack on India in 1962 many Congress M.P.s would have been happy with it. It was again a different matter that not many of them would have defended him against Communist attacks. So it is self-delusion to interpret Mr. Desai's failure as a rejection by the party of a pro-Western approach to foreign policy. Nor is it correct to say that Mr. Lal Bahadur was more acceptable because he would have more faithfully implemented what the *Patriot* called Jawaharlal Nehru's policies.

As for domestic policy Mr. Desai was as much committed to a socialist pattern of society as the present Finance Minister, Mr. T.T. Krishnamachari. Strictly speaking, there was little difference in theory between the so-called Right-wing attitude of Mr. Desai and the centrist stance of Mr. Lal Bahadur. The crux of the matter was adaptability, temperamentally and otherwise, which Mr. Desai lacked. Even between Mr. Desai and Mr. Krishna Menon policies did not constitute an unbridgeable gulf. No doubt, Mr. Krishna Menon

would have been vociferous in talking about socialism and non-alignment while practising them in his own way. What the so-called Left group wanted was not conversion of the ruling party to any set of dogmas or even ideology, but gaining a foot-hold in the administration and using it for power political purposes.

A word about the eleventh-hour switch of loyalty by the M.P.s from Bihar, Madhya Pradesh and Uttar Pradesh is apposite before we close this chapter. These members belonged to the pro-Morarji factions led respectively by Mr. Binodanand Jha, Mr. Mandloi and Mr. Dusselhra and Mr. C. B. Gupta. The ringleaders continued to sail with Mr. Desai but their followers staged a *coup* which cooked the former Finance Minister's goose. According to my understanding of the episode, when it became apparent that Mr. Lal Bahadur was anyhow winning, a whisper went round among the M.P.s from the major Hindi-speaking areas that their continued failure to throw in their lot with Mr. Lal Bahadur would make the new Prime Minister a "prisoner" in the hands of the non-Hindi States. Some observers said Mr. Lal Bahadur himself inspired the suggestion to avoid being totally dependent on the "Syndicate" for his political support in the party.

The Mist Clears

The mist cleared on Sunday (May 31) morning. It was obvious even to the unseeing that the silent labours of the Congress President had yielded result and that there would be no formal contest for Party leadership. Mr. Kamaraj had by then ascertained the wishes of a large number of Congress M.P.s besides Chief Ministers and others, and the consensus was unmistakably in favour of Mr. Lal Bahadur. In fact, the Prime Ministership was already in Mr. Lal Bahadur's bag late on Saturday night as reporters ended a long and tiring day and retreated to the club to quench their thirst before the bar closed. The Sunday editions of the "*bourgeois* newspapers" even said it in so many words. But the *Patriot* persisted that Mr. Nanda was the most acceptable candidate. Its headline said on that day (May 31) "Nanda seems as most acceptable." But *The Times of India*, not being so free with facts, reported that "the field is now clear for the unanimous election of Mr. Lal Bahadur Shastri as leader of the Congress Parliamentary Party and consequently the next Prime Minister." *The Indian Express* was even more specific. It said : "Mr. Lal Bahadur Shastri, Minister without Portfolio, will be unanimously elected leader of the Congress Parliamentary Party

Mr. Shastri's name will be proposed by the Prime Minister, Mr. G. L. Nanda, and seconded by Mr. Morarji Desai. Mr. S. K. Patil will propose a vote of thanks to Mr. Kamaraj whose efforts have brought about unanimity over the choice."

But *Patriot* stuck to its guns. Even though vanquished in their power political game its mentors still pursued the tactics of *suggestio falsi*, *suppressio veri*. On June 1 when even procedural details of Mr. Shastri's formal election as party leader had appeared in other newspapers, *Patriot* ran a story with the headline : "Confusion over Choice of Party Leader." The report said that the Congress Parliamentary Party would be meeting on Tuesday (June 2) "to perform what A.I.C.C. General Secretary Rajagopalan describes as 'a formality'—election of a new leader to succeed Jawaharlal Nehru. The party will have before it 'the advice' of Mr. Kamaraj about the choice of the new leader. The 'advice' should be based on the 'consensus' obtained by Mr. Kamaraj after 'consultation' with members of the Working Committee, 'special invitees' to the committee's meetings, Chief Ministers, office-bearers of the party and such Members of Parliament and prominent Congress leaders as he may want to consult."

Communist writers are known for their flair for employing marks of punctuation as weapons in propaganda war. In 1948 the Communists used quotation marks to describe our independence, thus insinuating that it was far from real. I do not know if the writer of the *Patriot* report belonged to such a

school of thought, but using quotation marks for facts such as advice, consultation and special invitees was not an innocent pastime. It was perhaps meant to suggest that Mr. Kamaraj's advice to the Parliamentary Party was in effect a "diktat" or ukase, that his consultations with his colleagues in the Working Committee were phoney and that the special invitees to the committee's meetings had been hand-picked. But, ironically, Mr. Krishna Menon was one of the special invitees.

Let me now quote *Press Trust of India* to keep the record straight. The agency said :

"Although the Working Committee authorised him to meet only those Congress Members of Parliament whom he chose, Mr. Kamaraj agreed to meet all Congress M. P.s who had any views to offer on the subject. The Congress President had also made it a point to meet all those M.P.s who were known to prefer candidates other than Mr. Shastri." He met Mr. V. K. Krishna Menon and his small coterie of admirers. Almost every M.P. who wanted to have his say, the one or two leaders who wanted the *status quo* with Mr. Nanda as Prime Minister to continue, the Scheduled Caste supporters of Mr. Jagjivan Ram and those like the Madhya Pradesh Chief Minister, Mr. D. P. Mishra, who favoured Mrs. Indira Gandhi, all were heard. All that the technique of consensus achieved was to keep these different suggestions below the surface and ensure that an impression of serious division within the Congress on the choice of Jawaharlal Nehru's successor was not created within and without the country. In the context of the build-

up abroad that India and its ruling party would go to pieces on the morrow of the disappearance from the scene of Nehru and the fissiparous tendencies at work within the country, an unseemly public wrangle would have created an unnecessary problem for the country, though in the ultimate analysis the election of Mr. Lal Bahadur by a convincing majority was not in doubt. So it was not to give an edge to Mr. Lal Bahadur over his rival that the Congress President evolved his *modus operandi*. It was for a larger and nobler purpose.

The *Patriot* report further said, "The decision authorising Mr. Kamaraj to obtain 'consensus and tender advice' was preceded by a stormy debate in which two Chief Ministers and three members of the committee opposed the move. They said the proposed procedure was undemocratic and violated the spirit of the party constitution." These champions of democracy included the late Mr. Partap Singh Kairon and Mr. Biren Mitra, the then Chief Ministers of Punjab and Orissa respectively, Mr. V. K. Krishna Menon and Mr. Biju Patnaik. Mr. Morarji Desai first thought that an election would be a better way of deciding the issue. When the Congress President and others pointed out that an openly contested election might vitiate the atmosphere instead of improving it, Mr. Desai readily fell in with the idea and agreed to the consensus method of ascertaining the will of the members. Mr. Mitra, Mr. Kairon and Mr. Patnaik, however, stuck to the position that the Parliamentary Party should be left free to make its choice. But the overwhelming opinion was that the

Working Committee as the policy-making body of the party was entitled to guide the parliamentary wing. One of the members recalled that in the past even decisions like agreeing to the partition of the country in 1947 were taken by the Working Committee and not the Legislature Party. Jawaharlal Nehru also had stressed on several occasions that the Working Committee and not the Parliamentary Party would have the final say in the choice of his successor. It was the Working Committee and later the All-India Congress Committee that had endorsed the Kamaraj Plan and authorised the late Prime Minister to implement it as he thought fit. The Parliamentary Party was nowhere in the picture. Jawaharlal did not consult the Parliamentary Party when he decided to accept the resignations of senior Ministers like Mr. Morarji Desai and Mr. Jagjivan Ram.

Nor is the consensus idea a new brain wave of Mr. Kamaraj and others to crown their nominee, Mr. Lal Bahadur Shastri, as the Prime Minister of India. In Britain, which is the home of the Westminster type of parliamentary democracy, the former Prime Minister, Mr. Harold Macmillan, had followed an almost identical procedure in picking his successor in 1963. When ill-health made him give up the Prime Ministership, he had deputed different persons to consult members of his Cabinet, Conservative members of the Commons, including junior ministers, Tory Lords and the constituency parties. Lord Dilhorne had polled the Cabinet, the Chief Whip, Mr. Redmayne, sounded the party members of the House of Commons, including the

junior ministers, Lord St. Aldwyn, Chief Whip in the House of Lords, consulted the elders who regularly took the Tory whip and Lord Poole, Mrs. Shephard and Lord Chelmer ascertained the wishes of the constituency parties.

Seven years earlier in 1956 when Mr. Macmillan became Prime Minister nearly all the Tory M.P.s had expressed their views, mostly favourable to Mr. Macmillan, but there was no formal count. To quote Randolph S. Churchill,¹ "usually when the office of Prime Minister falls vacant, there are no more than two obvious contenders Sometimes when there are two contenders, a third name emerges . . . as a compromise But never before have there been as many as five contenders with plausible pretensions to be Prime Minister and leader of the party. This was the unprecedented factor that mainly caused Macmillan to draft his memorandum (suggesting a consensus) to the Cabinet When the soundings had been ordered, . . . when the reports had been completed, there was a vacuum in the sense that no conspiracy, intrigue or cabal was likely to have any influence."

Churchill was categorical that "the strongest thing borne in upon me is the magnificent service . . . that Mr. Macmillan rendered to the monarchy, the nation and the Tory party. From his sick bed at the risk of his life, he contrived out of chaos that the Queen was spared embarrassment, that the nation should have a strong Government and that the Tory

1. The Fight for the Tory Leadership.

party would have the best opportunity of winning the General Election Never in the history of the Tory party, or indeed of any other British political party, have such full and diligent enquiries been made in the selection of a new leader. This was no decision made in a 'smoke-filled room'. Everyone in the party had had an opportunity to make his or her views felt, and the result of the canvass had been decisive. There was no election, no precise counting of noses! It was Tory democracy in action."

Jawaharlal Nehru could not render such a last service to India because his end was sudden and swift. In spite of failing health, he would not bring himself to believe that his life-time might not last very long. But, there was no doubt what his wishes would have been if he had had an opportunity to decide how his successor should be chosen. The implementation of the Kamaraj Plan under his active guidance, the stubbornness with which he resisted the idea of Mrs. Indira Gandhi's inclusion in the Cabinet with a view to grooming her for Prime Ministership and the unhesitating manner in which he had brought back Mr. Lal Bahadur Shastri into the Cabinet after his January illness were unmistakable straws in the wind.

Moreover, in 1946 when Jawaharlal was chosen leader of the party and the Government, there was no formal election. Though Sardar Patel, his senior in years, was in the field, Gandhiji had decided that Jawaharlal should lead the team and a strict disciplinarian that he was Sardar Patel readily abided by the decision. It would not have been impossible

for him to have asked for an election and also to have polled a considerable number of votes though Jawaharlal would have won. Perhaps there could have been other candidates too, Mr. C. Rajagopalachari, Acharya J. B. Kripalani and others. But Gandhiji did not allow the Pandora's box to be opened and the old guard had maintained the tradition until 1964. After Sardar Patel's death and the exit from the Congress of Mr. C. Rajagopalachari and Acharya Kripalani there was no one in the party who could even think of opposing Jawaharlal Nehru. Whether it was in the interest of party unity or for megalomaniacal purposes, the Congress even when it was not a political entity but a front of many faces tried to appear united. Loyalty to that tradition and adherence to the principle had made Mr. Kamaraj, Mr. Lal Bahadur Shastri and even Mr. Morarji Desai favour and approve of the consensus idea. If the Congress had placed undue emphasis on the form of democracy and not its content, the Parliamentary Party would not have quietly acquiesced in Jawaharlal's decision in 1961 demoting the deputy leadership of the party and divorcing it from the succession issue. Mr. Morarji Desai had suffered by that decision, for otherwise the way would have been paved for his ultimate succession to the high office. Still Mr. Desai had accepted that decision of the leader without a murmur of protest while, at that time, persons belonging to the *Patriot* school of thought had forgotten their adherence to formal democracy and acclaimed Jawaharlal Nehru's action.

There was still another overriding consideration

which evidently weighed heavily with Mr. Morarji Desai. It was the need to maintain the image of India after Nehru. Many Western observers, even those who voiced appreciation of the Indian experiment in parliamentary democracy, took a gloomy view of the future of the system in India after Nehru. They had predicted the break-up of the Congress Party under the impact of an internecine war of succession. This was not mere wishful thinking but was based on the divisive elements which remained under the surface in Nehru's time. Jawaharlal did not allow the issue to be clinched but, as it were, rode out the storm. It was naturally expected that after his death these elements would rule the roast. It was primarily to guard against this danger that the leaders agreed to the consensus procedure.

The most sinister aspect of the type of propaganda peddled by *Patriot* was that it was not, as some erroneously thought, in support of Mr. Morarji Desai or even Mr. Nanda. It was in effect a calculated attempt to sow the seeds of discord in the Congress Party and prevent the emergence of a united and strong leadership. Even on June 1, when the picture was clear and Mr. Lal Bahadur had emerged as the unanimous choice of the party for Prime Ministership, the paper wrote : "He (Mr. Kamaraj) had before him half-a-dozen names of 'candidates' and till late in the evening (on the previous day) he met over a hundred persons. In this 'open voting' some of the interviewed Congressmen naturally expressed their preference for Mr. Shastri, who is known to enjoy the support of the close associates of Mr.

Kamaraj and Mr. Atulya Ghosh, but a substantial section of them also expressed themselves in favour of others Mr. Desai cancelled a meeting of his supporters in view of the undertaking given by him (to the Congress President to abide by the consensus) but they (the supporters of Mr. Desai) met and decided to carry on the preparations for a show-down. Some Maharashtrian Members of Parliament . . . reportedly suggested the name of Mr. Y. B. Chavan. Among the candidates about whom Mr. Kamaraj was obtaining 'open votes' was mentioned Mr. S. K. Patil. At the same time, Mr. Jagjivan Ram's supporters were canvassing support for him and casting their 'open vote' in his favour."

The foregoing was pure wishful thinking. In the atmosphere then prevailing it was not difficult to mention a name and find support for it among M. P.s and others. Mrs. Gandhi, for instance, was quite a hot favourite. In fact, the supporters of many other candidates, including Mr. Lal Bahadur, voiced their preference for her and Mr. Lal Bahadur himself made no secret of his preparedness to step down in favour of Mrs. Gandhi if she were willing to shoulder the burden. But Mrs. Gandhi was then not inclined even to join the Cabinet, not to talk of heading it. Also, Mr. Sanjiva Reddy, Mr. Atulya Ghosh and Mr. S. K. Patil thought that she was too inexperienced to be at the helm of affairs. Mr. Morarji Desai shared that opinion and made no bones about expressing it. So did his supporters.

Funnily enough, Mr. V. K. Krishna Menon also was in the run. Though the number of his supporters

could be counted on the fingers of one's hands, according to the *Patriot* way of reporting, Mr. Menon also could be listed as a candidate! As I have already stated, some Scheduled Caste M.P.s had felt that Mr. Jagjivan Ram should contest the election. But apart from upsetting Mr. Desai's calculations of support from the Scheduled Caste M.P.s this move had no other significance in the succession story. In fact, it was even said that Mr. Atulya Ghosh had inspired the move of the Scheduled Caste M.P.s to force on Mr. Morarji Desai a realisation of his limited following. I had occasion to talk to some of the sponsors of Mr. Jagjivan Ram's candidature. They did not give the impression of being very serious about it. As for the Maharashtra M.P.s, they had agreed to follow their leader, Mr. Chavan, but not to put him up as a candidate for Prime Ministership. Mr. Chavan himself never seriously entertained hopes of becoming Prime Minister. He was in Washington when Jawaharlal Nehru died and by the time he returned to New Delhi an atmosphere of contest between Mr. Lal Bahadur and Mr. Desai had been built up. He first wanted to be non-aligned; for some time he even toyed with the idea of proposing Mrs. Gandhi for Prime Ministership, but on the crucial Sunday he and his fellow Maharashtra M.P.s unequivocally threw in their lot with Mr. Lal Bahadur.

The *Patriot* report further alleged that "the alliance behind Mr. Shastri was based on an understanding. According to this understanding, it is believed, he would share power with one of the

Chief Ministers deprived of office under the Kamaraj Plan and make him Deputy Prime Minister." The reference here was to Mr. Sanjiva Reddy. When the Andhra M.P.s met on Saturday evening to decide their course of action, notwithstanding the existence of a small anti-Sanjiva Reddy faction among them, they unanimously agreed that Mr. Lal Bahadur should be the next Prime Minister. Andhra Members of Parliament belonging to what was called the Sanjivayya Group shared this view. They had two choices : Mrs. Gandhi and Mr. Lal Bahadur in that order of priority. If Mrs. Gandhi was not to be a candidate they would whole-heartedly support Mr. Lal Bahadur. Even Raja Rameshwar Rao, who as a member of the Parliamentary Party executive had earlier wanted freedom of decision for the Parliamentary Party, did not canvass support for Mr. Desai at the meeting of the Andhra Congress M.P.s.

As for the insinuation of horse-trading between Mr. Lal Bahadur and Mr. Sanjiva Reddy it was as baseless as the rest of the report. As late as on the morning of June 7 when the special train carrying the ashes of Jawaharlal Nehru left for Allahabad, Mr. Sanjiva Reddy had no idea that he was going to be included in the Shastri Cabinet. He had programmed to leave for Hyderabad within the next two days, the obsequies of Jawaharlal Nehru having been over and the election of the new leader having been completed. Mr. Morarji Desai's refusal to join the Shastri Cabinet with a rank inferior to that of Mr. Nanda had made Mr. Shastri offer a Cabinet post to Mr. Sanjiva Reddy. Mr. Kamaraj reportedly sug-

gested his name. Mr. Reddy was first asked to take over the Food and Agriculture portfolio. When he declined, Mr. Subramaniam was shifted from Steel, Mines and Fuel to Food and Agriculture and Mr. Sanjiva Reddy took over the new Ministry of Steel and Heavy Engineering. A report was current those days—I could not find confirmation or refutation for it—that Mr. Lal Bahadur wanted a strong man like Mr. Desai to handle the Food and Agriculture portfolio so that he could make the States fall in line with the Centre on the crucial food front. While Mr. Desai had no objection to any portfolio, he definitely would not agree to be Mr. Nanda's junior in the Cabinet. He told me that he would have accepted any portfolio worthy of him with No. 2 rank in the Cabinet.

Patriot had also tried to exploit the popularity of Mrs. Gandhi in support of its pet idea of continuance of the *status quo* and postponement of the election by a couple of months. It must be stressed in this connection that it was not out of any particular liking for Mr. Nanda that this line was trotted out. It was to prolong the suspense and fish in the troubled waters. As it was clear—Mr. Nanda himself never denied it—the Home Minister did not have the support of the majority in the Parliamentary Party nor was he a favourite of the organisational wing. So his continuance as Prime Minister would have given rise to recurring political crises within the ruling party which its enemies could exploit. As far as I could gather, Mrs. Gandhi's expression of preference for the *status quo* was in

the context of an inevitable contest for party leadership between Mr. Desai and Mr. Lal Bahadur. Until nearly the last moment Mr. Lal Bahadur had not reconciled himself to the idea of a contest. Even on Saturday evening he was heard saying that he would not like to be the leader if it meant that there would be an unseemly contest and canvassing preceding it. Mrs. Gandhi's own approach could perhaps be interpreted as follows. First, and foremost, she did not want to be the Prime Minister. She was definitely in favour of Mr. Lal Bahadur succeeding to the leadership because she thought that was what her late father had wanted in the last years of his life. She also visualised continuance of the liberal, democratic approach of Nehru under Mr. Lal Bahadur's Prime Ministership, but if he was not to be there she said the *status quo* should continue and Mr. Nanda as a leader next nearest to Nehru should remain the Prime Minister. Perhaps, here she reciprocated Mr. Desai's feelings towards her and did not want him to be the Prime Minister. Against this background, to use Mrs. Gandhi's name to defeat her objective of election of Mr. Lal Bahadur was a jugglery of facts.

There was a significant sentence in Randolph Churchill's appraisal of the consensus which crowned Sir Alec Douglas-Home as Prime Minister of the United Kingdom. He said that in the "vacuum" which ensued there was no room for any "conspiracy or intrigue or cabal". The Indian experience with the consensus method was not similar in this respect. The reasons for it and its results will form the subject matter of later chapters.

Elimination By Consent

The succession story really began on January 12, 1964, at Bhubaneswar where the Indian National Congress met for its 58th session. Jawaharlal Nehru suffered a stroke there. Doctors had been summoned from Delhi, but it was not known whether the Prime Minister would survive. So a suggestion was made that Mr. Gulzari Lal Nanda, Mr. T. T. Krishnamachari, Mr. Y. B. Chavan and Mrs. Indira Gandhi should return to the Capital and form some kind of a caretaker government. As on May 27, it was again a problem of maintaining continuity of leadership in the government, but the idea did not find favour with many of the Congress leaders, including the Congress President, Mr. K. Kamaraj. Meanwhile the doctors from New Delhi arrived and found that Panditji was out of immediate danger. What he needed was rest for some weeks. Accordingly, Mr. Nanda and Mr. Krishnamachari were asked to proceed to the Capital and share between themselves the responsibilities and portfolios of the Prime Minister. There was no mention of Mr. Chavan or the possible inclusion of Mrs. Gandhi in the Cabinet.

Here it is necessary to understand the political background against which the Bhubaneswar session

of the Congress met. The Kamaraj Plan had been put in practice and three senior Cabinet Ministers, Mr. Morarji Desai, Mr. Jagjivan Ram and Mr. Lal Bahadur Shastri had left the Government. They were to be drafted for party work. But an entirely different interpretation was put on the Kamaraj Plan by several Congress leaders themselves. It was said that in the interests of homogeneity in government, both at the Centre and in the States, some leaders had to be dropped. Mr. Morarji Desai's presence in the Central Cabinet did not obviously lend itself to homogeneity in thinking or action. But it was also on record that Mr. Desai rarely asserted himself. In the case of Mr. Jagjivan Ram, there were some charges and his continuance as Minister was proving an embarrassment. But the third senior minister to resign under the Kamaraj Plan was Mr. Lal Bahadur Shastri, in whose case there was neither the question of homogeneity nor of rectitude. According to one school of thought, Mr. Shastri was included among the victims of the plan to avoid giving the impression that the Kamaraj Plan which had been evolved as a device to streamline the party organisation was in effect a political manoeuvre. These sources had confidently predicted in September 1963 that Mr. Lal Bahadur would soon be back in the Cabinet, perhaps, as Deputy Prime Minister.

There was still another interpretation of the Kamaraj Plan. Strictly speaking, the plan emerged out of Mr. Kamaraj's desire to give up office in his home State of Madras and devote himself to mass

contact work to counter the growing influence of the Dravida Munnetra Khazagam, a militant anti-Brahmin and anti-North Indian organisation of Madras. It was also felt that with the Prime Minister's failing health, arrangements should be made for the emergence and grooming of a successor: at that time Mr. Morarji Desai was No. 2 in the Cabinet. In 1961 an effort was also made to get him elected Deputy Leader of the Party and the *de facto* Deputy Prime Minister. Jawaharlal Nehru, however, scotched the move, evidently realising that Mr. Desai would not be able to hold the country and the party together. He had downgraded the position of Deputy Leader by multiplying it by two.

While this had met with severe criticism from a section of the Press, Congressmen, by and large, were not unduly perturbed by it. The reason was not far to seek. Even those who admired Mr. Morarji Desai's uncompromising stand on many issues felt he lacked dynamism. As a Congress M.P. put it, Mr. Desai identified dogmatism with determination of purpose. His attitude to the formation of a separate State of Maharashtra was an instance in point. Nehru also was averse to stretching the linguistic principle too far and Balkanising the country on the basis of language. He did not readily acquiesce in the Andhra demand for separation from the undivided State of Madras. He resisted for quite some time the carving out of a Maharashtra State from Bombay. But when public opinion overwhelmed him Nehru gracefully acknowledged

the supremacy of the majority in a democracy. But not so Mr. Desai. This misplaced firmness had evidently alienated Congressmen outside Gujarat, especially in the non-Hindi speaking States, from the former Finance Minister. Therefore, confronted with the possibility of Nehru not being there for long and the prospect of Mr. Desai stepping into his shoes, Congress leaders from the southern States and West Bengal started thinking in terms of picking a more suitable successor. Their choice naturally fell on Mr. Lal Bahadur, who, as General Secretary of the Congress, had visited most of the States, straightening out disputes and bringing about reconciliation between warring groups. The Congress leaders from the non-Hindi speaking States were aware that Nehru's successor would have to be from the Hindi region. At the same time, he would have to be liberal-minded, like Jawaharlal, in dealing with problems which might arise from the cultural diversity of the country. Mr. Lal Bahadur Shastri filled the bill eminently.

According to one interpretation, the Kamaraj Plan was evolved to make Nehru relinquish the Prime Ministership and instal Mr. Lal Bahadur in his place. That would have had the added advantage of Nehru guiding from outside his successor and lending him the necessary strength and support, but ultimately Jawaharlal continued in office while Mr. Lal Bahadur resigned. Still he was marked out for leadership.

Mr. Lal Bahadur's exit from the Government was unobtrusive,—he had not only taken it in his

unassuming stride but had also seen to it that none of the persons claiming to be his supporters made it a controversial issue. Not so in the case of both Mr. Morarji Desai and Mr. S. K. Patil. Their "resignations" not only became a bone of contention but even threatened to develop into an apple of discord in the party. Mr. Desai did not give vent to his resentment if, as claimed by his supporters, he suffered from it. But Mr. Patil did. It was no secret that Mr. Patil was not the apple of the Prime Minister's eye. In July 1963 Nehru wanted to transfer him from the Food and Agriculture portfolio to the relatively innocuous Railway Ministry, because Mr. Patil's championship of private enterprise in the foodgrains trade did not tie up with the Government's policy of acquiring a commanding position in the distribution of the necessities of life. Secondly, Mr. Patil was clubbed with Mr. Morarji Desai as a Right-winger and a protagonist of pro-American policies. The Communists had been mounting a campaign against both of them and demanding their removal from the Government to balance the earlier exit of Mr. V. K. Krishna Menon and Mr. K. D. Malaviya.

But between the two, Sadhoba, as Mr. Patil was familiarly called by both his traducers and admirers, is regarded as a sharper thorn in the flesh of the Communists and the so-called Congress Left. While Mr. Morarji is dogmatic, Mr. Patil is a pragmatist to his finger-tips. He is one of the very few crusaders against Communism among the top Congress leaders. Between the two, he has a greater under-

standing of Communist theory and practice and does not hesitate to press into service some of the Communist methods in countering the Communists themselves. Mr. Patil is also an organisation man, while Mr. Desai gives the impression of having fallen between two stools—ideology and organisation.

Even the pro-Americanism of the two leaders has a nuance. The Western Press, especially American, has built Mr. Desai up as the saviour of India from Nehru's allegedly pro-Communist direction to policies. But whenever the occasion arose for an ideological showdown in the Congress, Mr. Desai felt silence was golden. Mr. Patil, on the other hand, never made a secret where he stood. He sincerely believes that India has much to learn from the American experience in the matter of industrial development. The Soviet system of the State running the economy is anathema to him. Mr. Patil, who owes his position in politics to Sardar Vallabhbhai Patel, has imbibed many of the master's mental predilections. Like Sardar Patel, Mr. Patil is a man of action. He chafes at theorising and prevarication. But while the Sardar had the weakness of rocklike immobility in the matter of decisions he had taken, being a relatively later edition of the great Sardar, Mr. Patil is flexible, almost dynamic.

In methodology, Mr. Morarji Desai and Mr. Patil are not only not twin souls but are also like chalk and cheese. Mr. Desai has a knack of making articles of faith and principles of his political philosophy of trivial issues like prohibition of use of alcohol. He thus lends himself to the charge of

being a kill-joy in an increasingly materialist world. This has had two unhealthy results. First, the tendency has grown among sections of people to turn the spotlight on his personal life, which will be embarrassing even for one who has renounced the world. And Mr. Desai is no recluse. Secondly, even extremely rational suggestions, like the need for austerity and avoidance of conspicuous consumption, when made by Mr. Desai, got enveloped in a moralist aura. The more puritanical capers Mr. Desai cut, the more obscurantist he seemed. It was unfortunate because Mr. Desai is anything but orthodox.

Mr. Patil does not suffer from such drawbacks. His views on the weaknesses of human beings, like sex and drink, are extremely rational. He does not believe in politicians imposing a moral code on citizens. Mr. Patil, unlike Mr. Desai, does not carry a halo round his head. He is intensely human. If Mr. Desai is rigid, Mr. Patil is resilient. He shared Mr. Desai's abhorrence of splitting up Bombay into Gujarat and Maharashtra States but he did not make a crusade of it. Thus, while Mr. Desai staked his political future on putting down the Maharashtra agitation, Mr. Patil was not so deeply involved in the affair.

Mr. Patil is also open to persuasion. Sheikh Abdullah who tried to convert Central leaders to his way of thinking on Kashmir, felt he was addressing a stone wall when arguing with Mr. Desai. Mr. Patil, on the other hand, was more receptive to views he did not share. On the question of Hindi

being India's official language, Mr. Desai is unbudging that it should be so here and now. Mr. Patil, on the other hand, is prepared to meet the opponents of Hindi half way. The Bombay Pradesh Congress Committee, one of the best organised party units in the country, owes its position to Mr. Patil's labours. He convincingly vanquished the Socialists and the Communists, both of whom once had a foothold in India's premier city. He raised several Congress workers from very humble positions in life into party leaders of timber. He absorbed, painlessly and without political complications, the whilom Muslim League in Bombay, a consummation, if it had been accomplished in Kerala, would have saved the State its present problems. When Mr. V. K. Krishna Menon was put up as a Congress candidate for the Lok Sabha election from North Bombay, Mr. Patil made no bones of his displeasure at it, even at the risk of further alienating Jawaharlal. It was because Communists and their Congress friends like Mr. Krishna Menon are anathema to him. Whenever the battle against the Communists had to be joined, be it in Andhra Pradesh or Kerala, Mr. Patil was there with his plain speaking and militant tactics. When the situation demanded, he revised his former opposition to the Socialists, especially the Right-wingers among them, and tried to rally them to the task of what he regarded as the common fight against the Communists. But not so Mr. Desai. He, too, was not enthusiastic about Mr. Krishna Menon's politics. But he adopted a lukewarm attitude to the North Bombay election.

In October 1962, when the demand grew in the Congress Parliamentary Party for Mr. Krishna Menon's removal from the vital Defence portfolio, Mr. Desai, whom many expected to spearhead the movement, preferred to stay in the wings rather than at the centre of the stage. Worse still, he tried to make up with Mr. Krishna Menon at the time of the leadership contest in May 1964.

Though their Communist critics bracketed Mr. Desai and Mr. Patil, after their exit from the Government, the two leaders soon parted company. Mr. Patil joined Mr. Sanjiva Reddy and Mr. Atulya Ghosh to constitute what is now called the collective leadership or less euphemistically the Syndicate. These were the men who had chosen Mr. Lal Bahadur as the future Prime Minister of India. They got to work when a crisis loomed large on the political horizon following Nehru's stroke at Bhubaneswar. They first scotched a move for a caretaker government composed primarily of Mr. Nanda, Mr. Krishnamachari, Mr. Chavan and Mrs. Gandhi. The immediate result of this development was an alternative arrangement involving a division of labour between Mr. Nanda and Mr. Krishnamachari. This had two unexpected results—one, an unnecessary gulf between Mr. Nanda and Mr. Lal Bahadur for some time and, secondly, the coming together of Mrs. Gandhi and Mr. Chavan.

Jawaharlal, who was by now recovering from the stroke, had expressed a desire that Mr. Lal Bahadur should return to the Cabinet. The Syndicate wholeheartedly endorsed the idea. It was quite on the

cards that Nehru was aware that after him the Syndicate would gain the upper hand in the party and that it had Mr. Lal Bahadur in mind to step into his shoes. Jawaharlal also had a soft corner in his large heart for Mr. Lal Bahadur. His earlier efforts to groom Mr. Jayaprakash Narayan and Mr. V. K. Krishna Menon as successors having gone awry, Nehru thought a comparative dark horse like Mr. Lal Bahadur, with the support of powerful party leaders might be able to fill the bill. Above all, he did not like his daughter, Mrs. Gandhi, to be drawn into the leadership struggle, especially in his life-time. Mr. Lal Bahadur's candidature eliminated that possibility.

But Mr. Nanda had misgivings about it not because he disliked Mr. Lal Bahadur but because he was afraid that it would be the thin end of the wedge of return to the Government of other ex-Ministers—Mr. Desai, Mr. Jagjivan Ram and Mr. Patil. Especially between Mr. Desai and Mr. Nanda there was no love lost. Unkind critics had alleged that Mr. Nanda was afraid of losing his second rank in the Cabinet by the re-entry of Mr. Desai and Mr. Jagjivan Ram who were earlier senior to him. But if it were so, Mr. Nanda should have been more opposed to Mr. Lal Bahadur's return because that might lead to the deprivation of his present Home portfolio. Secondly, ranking in the Cabinet had no meaning unless one was aspiring to the top position and it must be said to Mr. Nanda's credit that except perhaps during a few hours on May 30, he never entertained hopes of remaining Prime

Minister. An idealist and an aloof intellectual, Mr. Nanda lacked following both within the Parliamentary Party and the Congress organisation. A Punjabi, reared under Gandhiji's influence in Gujarat, he had no moorings, especially in the power political sense, either in Punjab or Gujarat. A trade unionist given to distrust of the monied classes, he was not in a very happy position in the Government. To be suspect in the eyes of the Big Business, be it on ideological grounds or for altruistic motives, is not a qualification in the Government of Socialist India!

Mr. Nanda's opposition to Mr. Lal Bahadur's return to the Government had the expected result of cooling off relations between the two. Simultaneously, Mr. Nanda began to move closer to Mrs. Gandhi, a development which was interpreted as an effort to counter Mr. Lal Bahadur's advancement by pitting Mrs. Gandhi against him. At this time, presumably at the instance of the Syndicate, it was widely canvassed that to relieve the Prime Minister's burden, Mrs. Gandhi should be taken into the Cabinet as Foreign Minister. The idea, according to some observers, was to block her way to the Prime Ministership by making her the Foreign Minister. Jawaharlal, however, firmly opposed bringing Mrs. Gandhi into the Government. He also scrupulously avoided doing or saying anything which might give the impression that he wanted his daughter to succeed him.

The estrangement born of this development between Mr. Nanda and Mr. Lal Bahadur unfortunately grew with time. Mr. Lal Bahadur returned

to the Cabinet on January 24 as Minister without Portfolio, but with a fourth rank—two steps below Mr. Nanda. Self-styled supporters of the two leaders made much of it to exacerbate the already delicate situation. At an informal meeting with correspondents soon after he was sworn in as Minister without Portfolio, Mr. Lal Bahadur was asked about the departments he would handle and his rank. He gave his rank as fourth and said he would generally assist the Prime Minister in his work. But he wanted the Press to be circumspect in giving out the news lest Mr. Nanda should take it amiss. Not being Mr. Morarji Desai, Mr. Lal Bahadur did not make much of the ranking in the Cabinet.

Still the newspapers were full of reports of basic differences between Mr. Lal Bahadur and Mr. Nanda, of a shadow battle of succession being fought between them. Some even said that Mr. Nanda was fronting for Mrs. Gandhi. The good old days of antipathy between Mr. Morarji Desai and Mr. Nanda were recalled. Mr. Desai, who was then the Finance Minister, would refuse to attend meetings of the Planning Commission because Mr. Nanda presided over them. By virtue of the fact that in 1937 he was a Cabinet Minister in Bombay while Mr. Nanda was only a Parliamentary Secretary, Mr. Desai claimed political seniority over him. To avoid the controversy, Mr. Nehru would attend such important meetings of the Planning Commission and preside over them. Sometimes the meetings would be held in the Finance Ministry so that Mr. Desai could be in the chair. Luckily neither Mr. Lal

Bahadur nor Mr. Nanda was cast in Mr. Desai's mould. So this problem never arose between them. The so-called rivalry between them did not assume such trivial manifestations. Mr. Lal Bahadur gracefully accepted the fourth position in the Cabinet and attended Cabinet meetings over which Mr. Nanda presided in the absence of Nehru.

Meanwhile, Sheikh Abdullah was released following a change of government in Jammu and Kashmir. Mr. Lal Bahadur played an important part in the developments. The sacred relic of Prophet Mohammed at the Hazratbal Shrine, near Srinagar, was stolen. It had touched off stormy protests all over the Kashmir Valley, leading to the exploitation of the religious sentiments of the people by Pakistan. There were serious communal disturbances in East Pakistan, which found an echo in Calcutta and parts of Orissa and Bihar. Mr. Nanda was thus not free to go to Kashmir and attend to the explosive situation there, though as Home Minister it was his job. Secondly, the failure of the Home Secretary, Mr. V. Viswanathan, and other Home Ministry officials to tackle the situation in Srinagar, had shown that a purely administrative approach was not enough. So, Mr. Lal Bahadur was sent to Kashmir.

Thanks to his suave statesmanship and adroit skill in achieving a compromise, Mr. Lal Bahadur ensured that the recovered relic was peacefully identified and the problem solved. He then diverted his attention to the deeper political issue and brought about a change of government, which led

directly to the release of Sheikh Abdullah and his associates. The Prime Minister went out of his way to compliment Mr. Lal Bahadur on his handling of what seemed an intractable situation in Kashmir. All this provided fuel to the fire of aloofness between Mr. Lal Bahadur and Mr. Nanda. Above all, while Mr. Lal Bahadur reacted in his characteristic soft-spoken manner to Sheikh Abdullah's speeches after his release, Mr. Nanda took recourse to blunt speaking. This came to be interpreted as an effort by Mr. Nanda to throw a spanner into the elaborate compromise achieved by Mr. Lal Bahadur and sabotage a possible rapprochement between Mr. Nehru and Sheikh Abdullah. While Mr. Nanda was second to none in upholding the secular policies of Nehru and in dealing sympathetically with the victims of the anti-Muslim riots in Rourkela and Jamshedpur, he did not see eye to eye with the new Kashmir policy. A picture was, therefore, painted of Mr. Nanda leading an extremist attack on the liberal Kashmir policy evolved by Mr. Lal Bahadur. Even Sheikh Abdullah had once or twice given expression to an apprehension that Mr. Lal Bahadur might succumb to Mr. Nanda's pressure, instead of standing up to it.

Finding the situation getting exaggerated in the Press and elsewhere, Mr. Nanda had addressed a personal letter to Mr. Lal Bahadur, placing all the cards on the table. It was a very moving document, born of feeling and sincerity. Mr. Nanda also sent copies of the letter to some other colleagues, one of whom had leaked it to the Press. The news-

paper version of the letter, instead of doing justice to Mr. Nanda's sentiments and promoting his objective of a better understanding with Mr. Lal Bahadur, further clouded the issue. So, to keep the record straight, I am giving the text of the letter here. It read :

New Delhi, February 27, 1964.

My dear Lal Bahadurji,

I am impelled to write this letter to you because of some strange things I have been hearing during these days. I am told that air in the Central Hall (of Parliament) is thick with the gossip that there are sharp differences between us and our relations are under some kind of strain. The newspapers have also been saying things which may feed this suspicion. There is, for example, Mankekar's article in the *Indian Express* of the 26th instant in which he puts me as "a possible rival in the running." Some other papers, too, have been writing in the same strain. I have also learnt that some people are circulating mischievous stories which are completely false.

You know that I have always spoken to you with complete candour on all matters. I cannot imagine myself as having any part in any contest. We all pray that for many years no such situation should arise. I personally suffer from no illusion regarding my position. If I have any ambition at all, it would be to make my little contribution in solving some of the Nation's problems. You will recall that in the past we have rarely ever differed regarding any matter of significance. It happens

that even regarding lesser matters our views have hardly ever diverged.

My only purpose in writing this letter is to assure you that I am at your service in any effort to fight such divisive influences within the party.

Yours sincerely,
Sd/- G. L. Nanda.

The drift, however, continued until May 29, 1964. On the day Nehru passed away, both Mr. Lal Bahadur and Mr. Nanda were too engrossed in grief and the new responsibilities staring both in the face to think of the gulf separating them. Mr. Nanda's appointment as caretaker Prime Minister passed off eventlessly because both Mr. Nanda and Mr. Lal Bahadur knew that it was a stop-gap arrangement. May 28 also passed without any further development in the matter. The country cremated its hero that day. The following evening there was a condolence meeting in New Delhi, presided over by the President, Dr. S. Radhakrishnan, and addressed by several foreign dignitaries who were present at the funeral. Both Mr. Nanda and Mr. Lal Bahadur attended the meeting which was a little United Nations. After the meeting, the two leaders met briefly at Mr. Nanda's residence and discussed the leadership question. The frank exchange of views resulted in demolishing the wall of mistrust built over the previous five months. The gulf was bridged. Mr. Nanda reiterated what he had written in the letter of February 27, and prevailed upon Mr. Lal Bahadur to agree to contest the leadership election,

if necessary. Mr. Lal Bahadur assured Mr. Nanda that they would pull together in the future whatever be their respective posts. That evening Mr. Nanda was Prime Minister and Mr. Lal Bahadur Minister without Portfolio. Today Mr. Shastri is Prime Minister and Mr. Nanda, Home Minister, but the two remain together, not to share the spoils of office which will be theirs for the mere asking in any dispensation but to work together for ideals commonly shared. Thus began a new chapter in India's political history.

Kamaraj Plan

In a country where political consciousness is confined to a small section of the population the awareness of success or failure at the policy level is slow to penetrate the popular mind. Ironically enough in India, where the weight of public opinion ranged against the British under the leadership of Gandhiji and the Indian National Congress had brought to an end an empire on which the sun never set, political consciousness in tangible terms is an upper class monopoly. The freedom struggle against the alien rulers was fought on the basis of simple and straightforward nationalism. When in 1942 the late Mr. M. N. Roy and others had legitimately pointed out that the rising menace of Fascism was more dangerous than the dying British imperialism, Gandhiji was not impressed by the argument. He stood foursquare by his principle that British hegemony over India was wrong and immoral, which appealed to the man in the street. He, therefore, wanted it to be ended there and then, irrespective of the relative merits and demerits of imperialism and Japanese militarism. He did not also agree to the suggestion that in return for a promise of full self-government after the end of the war and immediate transfer of substantive power, the Congress

should agree to co-operate in the British war effort against Japan. It was not merely his adherence to non-violence, which to Gandhiji was an article of faith, that made him turn his face against such bargaining. It was his unshakable faith that freedom for India was a moral necessity that made him launch the Quit India struggle.

The approach of Jawaharlal Nehru and Maulana Azad was different. They had a wider world view of the situation. They sincerely desired that Fascism should be defeated. Even when they did not condone the misdeeds of imperialism they were prepared to make independent India an ally in the struggle against the Axis Powers. So intense was their abhorrence of Fascism that at the Allahabad Congress in 1941 they were even prepared to forgo the leadership of Gandhiji to facilitate such a compromise.

Here was the difference between the politically conscious upper crust of the Indian society and the masses throbbing with an emotional urge to be free from foreign rule. That was why Gandhiji had to take up seemingly trivial but intensely sensitive issues like abolition of salt tax for his political campaigns. It was unthinkable for Jawaharlal Nehru to launch a salt satyagraha. Similarly, Nehru could not have thought of a struggle on what then seemed an impossible issue of immediate British withdrawal from India in 1942. He would have taken up a more specific, a more realisable and a more immediate problem. He would have also shown his awareness of the implication of the titanic struggle

between Fascism and the democracies, however imperfect the latter might be.

Thanks to his association with Gandhiji, Nehru, the national leader of the political elite, was also the idol of the masses. He used his magnetic personality to convey to the people the gist of his ideas about socialism and democracy. He thus bridged the gulf by his many-sided personality. A well-knit party machine and a trained cadre would have enabled the transmission of political consciousness to the masses. The people could thus be mobilised for nation-building tasks. These are the transmission belts which keep a communist society moving. But the Congress had neither an organisation capable of such a mission nor did it boast of trained, idealistic cadres. So, Nehru had to rely more and more on his personal appeal. He had to exploit, perhaps much against his will, the faith of the masses in his sincerity and devotion to the cause of national uplift. The tasks he set before himself in economic terms were beyond accomplishment in a few decades. The eternal conflict between immediate improvement in economic conditions and long-term planning with a view to establishing the productive apparatus for development stared him in the face. He had rightly chosen the longer and more difficult path because after a spell of austerity the economy would definitely take off. But in the context of the grinding poverty of India's millions the promise of a millenium ahead did not naturally enthuse the masses. So, again, the Nehru spell had to be pressed into service. Even those who were sceptical of planning as a vehicle of

progress and who disbelieved in the efficiency and honesty of the administrative set-up were taken in by the promise of a better future, when made by him.

Looking back at the three General Elections, which have so far taken place in the country, one notices a dwindling emphasis on policies. In 1951, next to the Congress, which had won a large majority of the seats at the Centre and in most of the States, the Communist Party was the only other group which had emerged unscathed. If the socialist slogans of the Communists had been responsible for their relative success in their pockets of influence in the undivided Madras State and West Bengal, it would be difficult to explain the Congress victory in the rest of the country. The ruling party was then relatively conservative in professions also. Only on the issue of secularism it distinguished itself from the extreme Rightwing groups. Jawaharlal himself had then spoken against nationalisation, calling it acquisition of junk in the Indian context and pleaded for a phased transition from a mixed economy to socialism. The Communists, on the other hand, demanded drastic land reforms and immediate nationalisation and expropriation of foreign vested interests. The Socialists put before the electorate a cogent programme for levelling down disparities and evolution of a comprehensive social welfare programme. They demanded nationalisation of existing industries like textiles and sugar. They opposed the burdening of the peasantry with compensation to be paid to expropriated intermediaries in the rural

sector. By no stretch of imagination could it be said that while a relatively large number of people in the present Kerala and Andhra Pradesh plumped for the Communist ideas, the bulk of the populace in the rest of the country was at home with the conservative Congress. Nor could one explain the socialist debacle in terms of ideology. Factors other than economic and political principles weighed with the electorate.

But it was undeniable that the country had rejected a communal approach as distinct from the secular outlook of Nehru. He had thrown his full weight into the battle against communalism and won it unequivocally. There was another key to electoral success in the Indian conditions, which the Communists had been consistently employing but which the Rightwing in the party began to denounce after having been outplayed in the same game by the Left Communists in the mid-term General Election in Kerala in March 1965. It consisted of a judicious combination of the caste appeal, catering to regional urges, especially those based on language, an efficient organisation, concentration of effort on chosen constituencies and plenty of funds.

In the Second General Election the Congress had more or less the same programme which the Socialists had placed before the country in 1951, except for the earlier socialist flair for expropriation. But the Congress suffered serious reverses in States like Maharashtra and Gujarat where ideologies were drowned in deeper linguistic loyalties. The Socialists

with a relatively conservative programme had fared much better than before, by jumping on the bandwagon of language agitations. In 1962, the Congress retrieved its position in Maharashtra, among other States, not because it flaunted a more radical programme, but because the linguistic grievance had been removed. As time passed, there was greater emphasis on the part of every party on language, caste and even religion. The Congress appeal being more effective and intensive in these respects yielded better results.

Even within the Congress rivalry between groups was often based on caste loyalties. In short, the Congress under Nehru presented a curious amalgam of idealism, a make-shift ideology and expediency. At the top was Jawaharlal Nehru with his ideals untarnished by a not-so-spotless record in office, with his flair for dynamic thinking and his unflinching adherence to both personal and political loyalties. But at the grass-roots level, the Congress depended as much as the other parties on the caste factor and on linguistic and other irrational loyalties of the people. It was not a case of deliberate hypocrisy as far as Jawaharlal was concerned. But he realised the role of expediency in power politics. He tried to enthuse the masses for a social revolution, for creating a new India on the ashes of the old and for transcending petty loyalties, but he was aware that every Congressman was not a Nehru. Congressmen had their limitations, inevitable in an organisation where admission was open to the and all and where ascendancy to positions of influence

was not always dependent on merit and service.

The cumulative result of these developments was that in 1963 the Congress found itself in an unenviable position. Thanks to the Nehru spell which would surely last his life-time, there was no fear of the party being dislodged from power. Years of addiction to unquestioned power had, however, generated an appetite for it, which transcended all other considerations. Since without a foothold in the organisation it was not possible to get into the government there was a scramble for party posts. This had bred several phenomena; one, there were those who paid lip sympathy to the ideas of Jawaharlal Nehru and the ideals of the Congress whatever be their own predilections or record in life. They often masqueraded as progressives but ran the administration or conducted the party affairs in the interest of self-preservation. Then there were those who had their own way in their respective spheres of activity without crossing swords with the national leadership. Thirdly, some controlled the party organisation and with it as a lever basked in the sunshine of administrative power. Others swayed only either of the two—the party apparatus or the official machinery—and engaged themselves in an endless tussle to consolidate and enlarge their grip. As tragedy would have it, Jawaharlal put up with all these categories. In several instances he did not mind what a State Government or a ministerial colleague at the Centre did as long as the latter did not openly question policies which were

dear to Nehru's heart. Similarly, he turned a blind eye to the obvious failings of his partymen who, mouthing radical slogans, lined their own pockets. The corruption charges against Congress leaders professing radical opinions, like Mr. V. K. Krishna Menon, Mr. K. D. Malaviya, Mr. Partap Singh Kairon and Mr. Biju Patnaik, all of whom had ingratiated themselves with Jawaharlal, were instances in point.¹ Similarly, many a Chief Minister disregarded the Centre's advice about imposition of ceilings on land holdings and encouragement of co-operative farming. But the late Prime Minister tolerated it. In the case of the former Union Food and Agriculture Minister, Mr. S. K. Patil, he, however, nearly precipitated a Cabinet crisis. Mr. Patil could have bought his peace with Jawaharlal by pledging verbal loyalty to a socialist rural programme. But he did not do so, not because of altruistic reasons but because he belonged to a school of thought which felt that confrontation with Nehru at the policy level was necessary to stem the tide of crypto-Communist infiltration into the ruling party. The then Food and Agriculture Minister thus made no secret of his dislike for State trading in food-grains, an idea with which the Planning Commission had been toying for some time.

Even then, Jawaharlal did not join issue with Mr. Patil squarely. He could have asked the Food and Agriculture Minister to implement the Government's policy faithfully or leave the Cabinet. Or he could

1. See chapter 12 for a detailed discussion of the subject.

have relieved Mr. Patil of the vital portfolio saying that his thinking on the food question did not tally with the declared policies of the Government. He did not do it. Instead, he embarked on shadow boxing. He asked Mr. Patil to shift to the Railway Ministry. Mr. Patil protested and offered to resign. He even carried the dispute to the President who was then in Hyderabad. Unwilling to precipitate a crisis, Nehru ultimately relented.

There was a significant aspect to the episode. While Nehru was keen to avoid a policy discussion with Mr. Patil and tried to present the suggested exchange of portfolios between Mr. Patil and Mr. Swaran Singh (who was then Railway Minister) as a mere administrative necessity, the Food and Agriculture Minister was spoiling for a showdown at the policy level. Many a conservative Congress heart would have bled for Mr. Patil if it had been admitted that he was paying for his aversion to a socialist agricultural policy. Protesting at the intended switch of portfolios, Mr. Patil told Nehru that his giving up the Food and Agriculture Ministry at that juncture would mean a reflection on his handling of the portfolio. Mr. Lal Bahadur was confronted with a similar problem when in December 1964, Mr. Biju Patnaik threatened to make an issue in the councils of the party police investigation of corruption charges against politicians. Sensing that a veritable hornets' nest would be disturbed, Mr. Lal Bahadur emulated his illustrious predecessor.

The Kamaraj Plan was conceived primarily to meet a situation like this. It consisted, in effect, of

vesting in Nehru the power to accept resignations from official positions of scores of Congress leaders in the States and at the Centre. Between 1962 and 1963 three Central ministers had to leave the Government. The most controversial of them, Mr. V. K. Krishna Menon, who had earlier survived, due to Jawaharlal's continued patronage, the jeep scandal and the unseemly controversy with General K. S. Thimayya, the then Chief of Army Staff, had to go when the Chinese aggression brought to light in 1962 his contribution to the defence debacle. Mr. K. D. Malaviya had to leave following a judicial enquiry into charges of corruption. Hafiz Mohammed Ibrahim resigned following defeat in a by-election. The by-election, which proved a big rebuff to Mr. Krishna Menon, Mr. Malaviya and their friends, was an interesting example of how the so-called Congress Left inveigled gullible people into unenviable situations. Hafiz Mohammed Ibrahim was a member of the Rajya Sabha and Minister in charge of Irrigation and Power. When it was known that Acharya Kripalani was seeking to enter the Lok Sabha through a by-election in Uttar Pradesh, Mr. Krishna Menon and his friends prevailed upon Nehru and especially Mrs. Gandhi to put up Hafiz Mohammed Ibrahim as the Congress candidate and defeat Mr. Kripalani. Mr. Krishna Menon had earlier defeated Acharya Kripalani in Bombay in the 1962 General Election. But Mr. Krishna Menon was not satisfied with it. He was also smarting under the humiliation of his exit from the Cabinet, following a virulent campaign by Mr. Kripalani and others

against his handling of the country's defence effort. Hafiz Mohammed Ibrahim lost the by-election and had to quit the Cabinet.

Within the Congress Party, the relatively conservative elements who looked askance at the "Leftism" of Mr. Krishna Menon and his friends and who intensely disliked Nehru's weakness for them had been happy at the exit of the three Ministers. Mr. Krishna Menon and Mr. Malaviya had become an eyesore to them. Poor Hafiz Mohammed Ibrahim landed himself in a ridiculous position by being a cat's paw in the "Left" group's power politics. Further boosting the morale of the conservatives came Nehru's own climbdown in the face of Mr. Patil's threat to quit the Cabinet.

This proved that even Jawaharlal Nehru could not enforce the type of party discipline which had in the past claimed glorious casualties like the late Mr. K. F. Nariman in Bombay, the Bose brothers in Bengal, Mr. T. Prakasam in undivided Madras and Dr. N. B. Khare in the former Central Provinces. So a device had to be found to make the Prime Minister's writ run unchallenged.

Similarly, in the States also, the position of the Central leadership as an arbitrator in the local quarrels was tending to become more and more limited and suspect.² In spite of his great liking for

2. The London *Times* said in an editorial on July 18, 1963 : "In some instances the rival cabals have been bringing their quarrels to Delhi where Mr. Nehru and the party leadership were once able to impose order. But nowadays the strength has gone out of the Centre and more often than not it is unable to resolve disputes in the States."

Dr. Jivraj Mehta, the late Prime Minister could not prevent his replacement as Chief Minister of Gujarat by Mr. Balwant Rai Mehta when the Pradesh Congress Committee and the Legislature Party were bent on it. In U.P., Mr. C. B. Gupta threw out Mr. Algurai Shastri from the Cabinet unmindful of the wishes of the High Command. The situation, therefore, demanded that the supremacy of the Prime Minister and the High Command be re-established and driven home to erring Congressmen. It was also realised that when defiance of Jawaharlal himself was tending to be the order of the day, his successor would have a tougher time, especially if the Central Congress leadership did not see eye to eye with him. The Kamaraj Plan was essentially to remedy this situation by re-establishing the supremacy of the High Command over all others, including Jawaharlal.

Mr. Kamaraj's own explanation of the plan, however, sounded too altruistic to be true. He said that having realised that he was losing contact with the masses by being in office continuously for long spells of time, he felt he should resign and take up party work. He made it clear that it was meant only for himself and not for general application all over the country. In larger terms, the Kamaraj Plan, when it was enunciated and accepted by the A.I.C.C., rested on the premise that the organisation was in a state of decline and neglect due to concentration of talent in the Government and that, therefore, senior leaders of the party should resign from the Government and take up party work.

It was further argued that the Congress Party needed to put across to the people the policies of the Government and mobilise public opinion behind them. For this twin task, it was stated that some of the leaders now engrossed in administrative work should be available to the party.

The reasoning is fallacious on the face of it. As pointed out by Mr. K. Santanam, in a democracy a party is judged not by the professions of its functionaries and others but by the record of its representatives in the government. For instance, if imposition of reasonable ceilings on land holdings, ensuring fixity of tenure and fair rent for the cultivator, elimination of middle men in trade and such other reforms are carried out by a State Government, the Congress in that state will not have to carry on propaganda at all at the time of elections. Its record in government will win votes for the party. Politics still not being completely denuded of idealism, the party will also attract young people and will have healthy cadres. Only when there is paucity of practice, precept becomes necessary. It is true that some of the tasks cannot be accomplished overnight. For example, providing a living wage to the working men and women of India is not a day's work. Elimination of unemployment, solution of housing shortage and general levelling up of the living standards are also long-term projects. These require patient handling. But where progress is perceptible, even if slow, propaganda need not be the strong point of a party. Moreover, Congress leaders in government also engage themselves in

party work, as in other parliamentary democracies. So many top leaders are, therefore, not required for exclusive party work. In practice, what organisational work have Mr. Bezwada Gopala Reddi and Dr. K. L. Shrimali undertaken after they having been eased out of the Government?

It will be a different matter if the basic policies of the party are subjects of controversy, with the country divided about them. For instance, in the British Labour Party nationalisation had become a bone of contention. The British electorate, too, was in two minds about it. So, Labour needed all the power it could command to put across its views. Such a situation did not exist in India. The Congress idea of a socialistic pattern of society was accepted by a majority of the thinking people. Among the opposition parties the Communists, the different varieties of Socialists and even the Hindu Mahasabha paid lip sympathy to the idea. The Swatantra Party was the solitary opponent of planning and socialist transformation of the society. But, in fact, its appeal rested more on the administrative failings of the Government than on the logic of its theory. So, the best way to meet the Swatantra challenge would have been to gear up the administration and not weaken it by withdrawing talent from it.

In his justification of the plan named after him, Mr. Kamaraj compared the situation in 1937, when the top leaders of the Congress stayed out of office, with that in 1947, when the national leadership assumed administrative responsibility. It was an

invidious contrast. In 1937 the Congress was not fully committed to assumption of office. After much debate it was decided that the Government of India Act, 1935, should be wrecked from within. So the Congress contested the elections and formed ministries in nine provinces, not to work the Government of India Act but to scuttle it. The power at the Centre was still with the Viceroy. Even the provincial autonomy was not complete, with the Governor enjoying vast residuary powers. So, it was an experiment in parliamentary democracy at which the Congress wanted to try its hand. Like the Council entry by the Swarajists earlier, the formation of Congress Governments in the provinces was a means to the larger end of independence. It was to show, first, that persons imbued with a sense of self-sacrifice and service to the people could be better administrators than mercenaries. Secondly, it was to establish that Indians were capable of administering themselves and explode the bogey of white man's burden. Again, the Congress ministries had gone out of office in 1939 not for administrative reasons—but on the political issue of the British association of India with the war effort without the concurrence of the people. This further proved that the acceptance of office by the Congress in 1937 and giving it up later were political moves.

The situation was different in 1947. Independent India needed to be governed well. The backlog of maladministration and neglect of welfare activities had to be removed. The economy had to

be regenerated and a unified system of government evolved. Added to these were the problems posed by the partition of the country, Pakistan's invasion of Kashmir and the communal riots in Punjab and Bengal. There was an unprecedented flood of refugees who had to be rehabilitated. These were tasks which only the tallest in the land could tackle and the Congress rightly deputed its top leaders like Jawaharlal Nehru, Sardar Patel, Maulana Azad etc. at the Centre and similarly important people in the States to sway the rod of administration. The subsequent offshoot of rivalry between the organisational and parliamentary wings of the party was the product not of the national situation but of the way the Congress came to be run following the death of Mahatma Gandhi.³ The Kamaraj Plan was no doubt a remedy but it was evolved rather late in the day. If there had been a proper distribution of powers and responsibilities between the two wings, if there had been ideological co-ordination between those manning the party machine and those running the administration the problem would not have arisen. Unfortunately for the Congress and fortunately for the country Jawaharlal Nehru, as Prime Minister, dominated both the party and the Government. This led to the reduction of the organisation to a mere instrument of the Government. Very often, the Govern-

3. Cf. "The party is now at the lowest point of its degeneration and if it has held together it is because of such prestige and authority as the Prime Minister still retains among the vast masses of the people."—S. Mulgoakar in *The Hindustan Times*, August 7, 1963.

ment led the party, instead of the other way about. Whether it be adoption of a socialistic pattern of society as the goal of the Congress at the Avadi session or the acceptance of land reforms at Nagpur the Prime Minister and not the Congress President provided the main impetus. The governmental wing, at least at the Centre, did not shirk the responsibility of adopting radical policies—nationalisation of life insurance, establishment of public sector projects in heavy industry and the launching of the Foodgrains Trading Corporation are examples at random—and if the States lagged behind it was not on account of the ministerialists alone.⁴ Nowhere in the spate of group rivalries was it ever mentioned by the organisational wing that the ministerialists did not live up to the professions of the party. If there had been such checks and balances, the record of the Congress Governments would have been more impressive. Instead, the two wings began fighting for the fishes and loaves of office, in metaphorical terms, for permits and licences, for power and patronage, in material terms. Because of the dominating personality of Jawaharlal Nehru, such a tussle did not take place openly at the Centre but even here there was hardly a Congress President who did not point an accusing finger at the implementation of the party's policies.

Retrospectively also, the working of the Kamaraj plan belied the claims made for it. If it were

4. Cf: "The model Chief Minister now is a combination of a tribal chieftain and Sir Robert Walpole turning in his grave."—*The National Herald*, July 21, 1963.

meant to be a "party before post" plan, what had happened to those who resigned from ministerships to take up party work? Barring Mr. Kamaraj, whose prominent position in the organisation was anyhow unquestioned, the other Chief Ministers who resigned under the Kamaraj plan had either sunk into oblivion or were taking sides in group rivalries. Mr. Binodanand Jha of Bihar, Mr. C. B. Gupta of U.P. and Mr. Biju Patnaik of Orissa are notable examples of the latter category. Bakshi Ghulam Mohammed tried for some time to retrieve his lost position and later settled down to a life of back-room manoeuvres. The Congress unit in Kashmir looks not to Bakshi but to Mr. G. M. Sadiq and his friends for its healthy growth. In Madhya Pradesh Mr. M. A. Mandoloi has more or less faded out.

As for the Central Ministers, Mr. Gopala Reddi and Dr. Shrimali had to be provided with semi-official berths. Mr. Lal Bahadur Shastri was no doubt active in the party during the brief period he was out of office. He ranked with Mr. Kamaraj in this respect. Mr. S. K. Patil, being incapable of inactivity, did no doubt engage himself in organisational work but it often tended to be controversial.

Mr. Morarji Desai, who now seems to be the remaining permanent casualty of the Kamaraj plan, has his utility for the organisation circumscribed by the controversy surrounding his austere personality. His prominence today in the Gujarat Congress is not the product of the Kamaraj plan. He has always enjoyed the allegiance of the

Balwantrai Mehta Group there. Outside the State he has not been active. So his contribution to organisational work cannot be considerable. In short, if the Kamaraj Plan has to be judged by its tangible, direct results, it must be pronounced a total failure. It did not release for the party the manpower locked up in the Government. It had only brought about the exit of some persons from governmental positions and a switch of responsibilities.

The real significance of the plan seemed to be in enabling the late Prime Minister to remove from office some personalities whom he wanted to get rid of without giving rise to unseemly controversies.⁵ For instance, Mr. Patil, who in July 1963, openly protested against his transfer to the Railway Ministry docilely bowed out of the Cabinet hardly two months later. But for the Kamaraj plan the metamorphosis would not have been possible. Similarly, Mr. Morarji Desai could not have been eased out of the Cabinet. A strict disciplinarian, he would not have made a public issue of it but Nehru himself could not have asked him to leave the Government without great embarrassment to himself and harm to the party. Mr. Desai's economic policies had, no doubt, won for the Congress Party extreme unpopularity among certain sections of the community. Here again if there had

5. Cf. "What the Prime Minister could not do with all his governmental authority he was able to do easily as soon as he was armed with the full authority and backing of the organisation."—Mr. Govind Sahai as reported by *The National Herald*, September 16, 1963.

been in the party free discussion and an intelligent evolution of policies based on accepted priorities the fiasco would not have resulted. It would not have been impossible for the Finance Minister to secure from the party approval on certain fundamentals without disclosing budget secrets. That would have obviated the complaint of some members that they had been confronted with a *fait accompli*. The Chinese aggression and its aftermath had created such a situation that the party honestly felt that the drastic budget measures were unavoidable. The country also was not unprepared for a dose of sacrifice and a spell of austerity. Given faithful efforts by the ruling party to educate public opinion, the country would have emerged from the crisis with a self-disciplined economy. But as the lull developed in the border fighting, the Congress M.P.s relapsed into their favourite pastime of jockeying for positions. Some of them, notably the so-called Leftists who later became champions of Mr. Desai, saw in the budget and the discontent it had generated handy sticks to beat him with. As there was no independent and voluntary appreciation of the principles underlying the stringent economic measures proposed by Mr. Desai, members began to disown them privately even while voting for them overtly.

Even then Mr. Desai could have been asked to resign without the expedient of the Kamaraj plan. Seeing the *volte face* of the party, Mr. Desai himself should have offered to quit. We have a lesson to learn in this respect from our little neighbour,

Ceylon, where an unpopular decision to reduce the subsidy for rice had landed the then Finance Minister, Mr. Felix Bandaranaike, in trouble. A large number of party M.P.s had backed out of support to his budget. Mr. Bandaranaike had then courageously resigned. The British parliamentary history is replete with such healthy precedents. An honest reversal of policy by the Congress Party would have obviated the devious mechanics of the Kamaraj plan. The national leadership, including Jawaharlal, had by its behaviour in this episode made itself vulnerable to the charge of being anxious to strike but afraid to wound.

Nevertheless, India has reasons to welcome the Kamaraj plan because it has not only smoothened the transition from Jawaharlal to Mr. Lal Bahadur but has also brought about the succession. Its real virtue lies in upsetting an artificial system of ranking in the Nehru Cabinet enabling Mr. Lal Bahadur, who was No. 6 in the Cabinet, to be No. 1 now. If with his characteristic foresight Mr. Kamaraj had visualised what was in store for the Congress and the country after Nehru and had hit on the plan named after him to facilitate the election of Mr. Lal Bahadur as Nehru's successor the country owed a debt of gratitude to him for thinking so well ahead of others and acting so resolutely.⁶

6. Cf. "Already all kinds of sinister motives are being attributed *sotto voce* to Mr. Nehru. According to some, the entire purpose of the Kamraj plan was to enable the Prime Minister to remove the 'Rightists' from the Union Cabinet.....Another theory which claims to expose the mind of Mr. Nehru has it

But hardly had the plan been put through and the resignations accepted than the way in which the ministers had been eased out and the alleged motives behind the step came to be openly criticised not only by the victims but by others* as well. Krishan Bhatia, writing in *The Statesman* on September 13, remarked "that some of the senior ministers drafted for party work did not have their hearts in the Kamaraj plan was never a secret. But now one hears distinct muttering of dissatisfaction and comes across disturbing imputation of personal motives to those who have brought about the ministers' exit from office." Mr. S. K. Patil, who was one of the ministers affected by the plan, indulged in some plain speaking. According to *The Statesman*,⁷ speaking at a meeting of the Eastern Study Group, Calcutta, Mr. Patil said, "in places some people were using it (Kamaraj plan) to get rid of ministers they did not like so far." *The Hindustan Times*⁸ published a detailed version of the speech. Although the offending passages were not there, the report, in indirect speech, was equally pungent. It said, "the (Kamaraj) plan had now fallen in other peoples' (earlier Mr. Patil had explained that Mr. Kamaraj, the originator of the plan, had never wanted it to be "so big", but had conceived it for his own State so that the Congress

that the Prime Minister has chosen his successor. To borrow a phrase from the Papal vocabulary, the nomination is at the moment *in pectora*" — Nandan Kagal in *The Times of India*, August 28, 1963.

7. September 22, 1963.

8. September 23, 1963.

could win the next General Election there) hands and no one knew what was really going to happen. In a free country what the people look for is good government and not whether the party in power is well organised or well disciplined!" While Mr. Patil was opening his heart in Calcutta, the Prime Minister, addressing an end-of-the-session meeting of the Congress Parliamentary Party in New Delhi, frankly expressed "his disappointment" that the breath of fresh air which the Kamaraj plan had brought into the Congress was being vitiated by the old group rivalry and bickering in some States where new leaders were being elected."⁹ Mr. Patil, meanwhile, started enlarging the sweep of his criticism of the implementation of the Kamaraj plan. Addressing another meeting in Calcutta on September 25, he said, "the plan should not be dictated to by the Communists and fellow-travellers or their papers."¹⁰ Mrs. Indira Gandhi described these outpourings of Mr. Patil as "most unfortunate". There were also reports in a section of the Press (which Mr. Patil had described as newspapers of the Communists and their fellow-travellers) that the then Congress President, Mr. Sanjivayya, had asked for Mr. Patil's explanation for the reported speeches. Opinion in the Congress on Mr. Patil's conduct differed sharply. While some wanted disciplinary action against him for "washing the dirty linen in the public", others thought he was within his rights as a Congress member to express opinions about the

9. *The Times of India*, September, 21, 1963.

10. *The Hindustan Times*, September 26

implementation of accepted policies without questioning the policies themselves. So strident had these murmurs and protests against the way the Kamaraj plan was being worked out that Nehru himself had to deny and counter them. Addressing Congress workers at Lucknow on September 29, the Prime Minister described as "absurd and wrong" suggestions that the Kamaraj plan "originated from him and was implemented through Mr. Kamaraj in order to remove those who were opposed to him."

While the academic controversy about the merits and motives of the Kamaraj plan was going on, the practical aspect of control of power within the party had not been ignored by any of the contenders. There was no doubt that Mr. Morarji Desai and Mr. Patil had, by their exit from the Government, suffered a setback in the struggle for succession. They, therefore, naturally wanted the disability to be limited to the governmental wing of the party by gaining control of the organisation so that what had been lost in official status and capacity to provide political and other patronage would be more than made up by political leverage. The next elections were not very far off and within next two or three years the Congress would have to choose candidates for them in the States and at the Centre. Whoever controlled the Congress organisation would thus be able to hold the whip-hand over the administration at the Centre as well as in the States. Here again there were two schools of thought, both reaching more or less the same

conclusion that the organisation would soon have the upper hand over the governmental wing. Even if in spite of his advanced age and failing health, Nehru continued to be the leader of the party in Parliament and, therefore, the head of the Government, those controlling the organisation, if they proved themselves more effective, could not only influence his policies but also make him accept their choice of ministerial personnel. If, on the other hand, Nehru disappeared from the scene, the governmental wing would suffer considerably in prestige and power providing a virtual walkover to the organisational wing. That would enable the latter not merely to lay down policies but also to choose the next Prime Minister. Therefore, the Congress Presidentship which had, soon after independence, lost its power and importance, suddenly became a position to be coveted.¹¹

The question, therefore, arose whether Nehru would be able to have his nominee as Congress President or whether those pitted against him (though not openly) would have their way. In brief, there were two possibilities. The first, Nehru, having eliminated the dissident elements from the Government, could gain control of the organisation also by having his nominee as Congress President or, secondly, those who had

11. Cf. "Mr. Nehru is widely blamed for reducing the organisation to the position of a mere instrument of the Government but perhaps his dominance as a leader made this inevitable.... Now with the decline in his dominance the organisational wing can come into its own and assert itself." —*The Times of India*, August, 5, 1963

lost the first round of the battle and had been eased out of the Government could muster support within the organisation, if not to dislodge Nehru, at least to circumscribe his actions and cramp his style. Prem Bhatia predicted that "unlike in the past the court's (meaning Nehru's) nominee will not be elected Congress President" this time.¹² But as a matter of fact Mr. Kamaraj, whether he was technically Mr. Nehru's nominee or not, ultimately proved to be the executor of Nehru's wishes rather than a supporter of his opponents. This was the result of a shrewd compromise which Jawaharlal had stooped to accept, without appearing so. But more of it later.

Meanwhile, the Congress President put Mr. Lal Bahadur Shastri and Mr. S. K. Patil, tentatively, in charge of looking after the functioning of the Pradesh and district Congress committees. Mr. Morarji Desai continued to be a member of the Parliamentary Board and was also the head of a small committee to look into corruption charges against Congressmen. There were reports at this time that Nehru wanted Mr. Lal Bahadur to be the Congress President. According to one of the reports published early in September, "the position has now been complicated to some extent because of the fact that some highly placed Congressmen are stated to have started pressing the claim of Mr. Morarji Desai for the office (of Congress President) on the ground of seniority....An open

12. *The Indian Express*, September 9, 1963.

contest between Mr. Shastri and Mr. Desai is, however, ruled out. The issue will be settled through closed-door discussions, the odds being in favour of Mr. Shastri."

Nearly one year later the position was more or less identical with the exception that Jawaharlal Nehru was not there to arbitrate or agree to a compromise candidate. Leaders from the southern States of Andhra Pradesh, Madras and Mysore, including Mr. Kamaraj himself, met at Tirupati in Andhra, in September 1963, in what seemed an innocuous get-together of colleagues. Mr. Atulya Ghosh, who was the President of the West Bengal Pradesh Congress Committee and the power behind the throne in the State, especially after the passing away of Dr. B. C. Roy, was also present at Tirupati. These leaders were not worshipping at the shrine of Lord Venkateswara on the heights of Tirumalai, though all of them were believers in the efficacy of prayer to consummate their political objectives. Mr. Atulya Ghosh is also an admirer of the late Aurobindo Ghosh and Mother of Pondicherry. Though he visited Pondicherry after the confabulations at Tirupati, it was not a preparatory step to the mission of piety. As later events proved, these leaders of the southern and eastern regions of India met to settle the succession question. The "Syndicate", which came into limelight after Nehru's death, was really born at this holy place.

It was becoming increasingly clear that Mr. Morarji Desai was bent on avenging his defeat

in the first round of the battle of succession. Even if Mr. Desai, out of personal regard for Nehru and consideration for the fair name and unity of the party, was personally prepared to step down, many of his followers were in no mood for compromise. They all felt, as did many others close to Jawaharlal, that the Prime Minister, even if he remained for some more years on the political scene, was becoming ineffective as the supreme leader of the party primarily because of his age and failing health but partly also because of the situations he had created for himself. Besides, many of Mr. Desai's supporters interpreted the formulation and implementation of the Kamaraj Plan as an unmistakable admission by Nehru himself that the time had come, if not formally to choose his successor, at least to prepare the ground for his emergence. This school of thought had, rightly or wrongly, construed as Jawaharlal's explicit aversion for Mr. Desai his intervention in 1961 in the election of the Deputy Leader of the Congress Parliamentary Party. The odds were then heavily in favour of Mr. Desai. Mr. Krishna Menon was still a great favourite of Nehru and it was even said that Nehru wanted him to step into his shoes. But since it was nearly impossible for Nehru to make the party accept Mr. Krishna Menon, he had denuded the Deputy Leadership of the Party of power and prestige and ensured that it was no stepping stone to Prime Ministership. Hitherto the Deputy Leader was the second man in the party, though after the passing away of Sardar Patel the post of Deputy Prime

Minister was abolished. After Pandit G. B. Pant's death, it was taken for granted that Mr. Desai would be the Deputy Leader and ultimately the Prime Minister. To prevent such a consummation, Mr. Krishna Menon and his supporters had put up Mr. Jagjivan Ram—who in 1964 was Mr. Desai's chief lieutenant—as a candidate for deputy leadership of the party. A showdown would have given a new, even if not a healthy, direction to the Government and cleared the cobwebs of confusion. The indications were that Mr. Krishna Menon and his small group of supporters would meet their Waterloo. Nehru himself would not have come out unscathed. But a successor would have been chosen and would have had the opportunity of earning his spurs in national leadership. Perhaps, that would have also knocked out Mr. Desai's many angularities which in later life cost him dear.

But Nehru would not have it that way. He intervened, as it were, in the march of history and gave it a different direction. Earlier, in 1950, when a clash between the then Congress President, Mr. Purushottam Das Tandon and Nehru presented an opportunity to work out a sound and scientific relationship between the parliamentary and organisational wings of the Congress, the issue was solved by placing both wings under Nehru's control. Thus was nipped in the bud the process of a normal evolution of Jawaharlal's successor. Mr. Desai's subsequent exit from the Government, which was far from voluntary, had deprived him of the advantage of being the seniormost member of the Cabinet at

the time of Nehru's death. According to Mr. Desai's supporters, this had put him on par with others, especially Mr. Lal Bahadur who was a dark horse in 1961 contest for leadership. The emergence in 1963 of Mr. Lal Bahadur as a potential contender for the high office made all the difference to the calculations of Mr. Desai's supporters. If it were Mr. Krishna Menon, as in 1961, they would not have been alarmed because what Nehru could not accomplish at the pinnacle of his power neither a consensus nor an election could achieve.

Against this background, the leaders assembled at Tirupati had to choose, so to speak, the successor to Nehru. There was also the equally important matter of Congress Presidentship. The tussle between Acharya Kripalani and Nehru, nearly ten years earlier, showed that unless one of the two—the Prime Minister and Congress President—was supreme, a tug of war was bound to emerge. Because of his personality and his position in the country and the party Nehru vanquished his opponent and remained supreme both in the party and the Government. For some years, he had also taken over the Congress Presidentship and combined it with Prime Ministership. Later incumbents to the office—Mrs. Indira Gandhi, Mr. U. N. Dhebar, Mr. Sanjiva Reddy and Mr. Sanjivayya—were all able to merge their personalities in that of Nehru with the result that there was no clash of wills. Now with his health waning and his position in the party and the country damaged by the Chinese aggression Nehru was not able to control both the posts as effectively

as before. Open defiance of his writ was tending to become common. Within the Government Mr. S. K. Patil crossed swords with him and almost got away with it. Inside the party State leaders—big and small—had started flouting his will, if not in words at least in deeds. So a powerful Congress President was necessary to supplement Nehru's authority and where necessary balance it. This was perhaps the reason why Mr. Morarji Desai's supporters also wanted him to be the Congress President. They also thought that Mr. Desai as Congress President could get even with Nehru in the organisation and ultimately emerge as his successor.

On the other hand, it was widely believed that Nehru wanted Mr. Lal Bahadur to be the Congress President, obviously for two reasons : first, it would eliminate friction between the organisational and governmental wings and provide for harmonious relationship between the two. Secondly, it would build Mr. Lal Bahadur up as the second man in the organisation and thus enable him to take over from Nehru when the time came. The leaders assembled at Tirupati did not look at either of these prospects with favour. If Mr. Desai became the Congress President he would assert himself and ultimately seek to be another Nehru, riding both the horses. It was possible that he would have to lean on these leaders in the event of a showdown with Nehru but still he would be the *prima donna*. If, on the other hand, Mr. Lal Bahadur became the Congress President Nehru would regain his supremacy over both the wings. There would be no check on his power.

When ultimately Mr. Lal Bahadur became the Prime Minister, he would owe his position to none but Nehru. So, the Tirupati meeting decided on a third person for Congress Presidentship. The name widely mentioned in the Press at that time was that of Mr. Atulya Ghosh. This was supposed to be a clever strategy to get Nehru's reaction and ultimately play their trump card in the shape of Mr. Kamaraj. Nehru readily agreed to the compromise candidate and Mr. Morarji Desai had another disappointment in his long and weary journey to the summit.

Another school of thought has a different explanation of the purpose of the Tirupati meeting. These sources said that the Congress leaders assembled at Tirupati had already made up their minds in favour of Mr. Lal Bahadur succeeding Nehru and so did not want him to be saddled with Congress Presidentship in the interim. According to this way of reasoning, it was known to these leaders that before long Mr. Lal Bahadur would return to the Government. This explanation is not plausible for two reasons : first, but for his illness in January 1964, which could not have been foreseen by any one nearly six months earlier, Nehru would not and could not have taken Mr. Lal Bahadur back into the Cabinet. It would not have been possible even for Nehru to put the Kamaraj Plan in reverse gear within a few months of its inception and take into the Government one of the senior ministers whose resignation had been accepted. That would have lent credence to the charge of political motives

behind the plan and showed that Nehru had either got the plan formulated or had subsequently used it to get rid of unwanted ministers. When that was the case and Mr. Lal Bahadur could not return to the Government he would have to be in the limelight in some other way to avoid going into the wilderness. Membership of the Working Committee and of any of its sub-committees would not endow a person with the importance and stature so necessary in the battle of succession. In this material world, even in spiritualistic India, a person without governmental power and political pull would be a back number almost automatically.

Thus, it stands to reason that the Tirupati meeting had chosen Mr. Atulya Ghosh and Mr. Kamaraj in the reverse order of priority for the supreme post in the party because it was thought that that way the "Syndicate" could enter the fray between Nehru and Mr. Desai and neutralise the former while eliminating the latter. Nehru's own motive in accepting Mr. Kamaraj as a compromise candidate could plausibly be that, checkmated in his move to have Mr. Lal Bahadur as the Congress President, he thought a different device had to be found to pave Mr. Lal Bahadur's way to Prime Ministership.

In this process he wanted the "Syndicate"—it had not been so christened then—to be on Mr. Lal Bahadur's side rather than against him so that in an unavoidable contest between Mr. Morarji Desai and Mr. Lal Bahadur, the latter would be the nominee of the new collective leadership. This was actually what had happened on May 30, 1964, when

Mr. Kamaraj ascertained the consensus in the party and pronounced Mr. Lal Bahadur the victor. Thus the "Syndicate" had come to accept Mr. Lal Bahadur as successor not of its own volition nor because of ideological or other predilections but because it provided for a convenient division of power in the country—an arrangement which Nehru himself had blessed when he agreed to Mr. Kamaraj being the Congress President.

Collective Leadership

The formal election on June 2, 1964, of Mr. Lal Bahadur as the leader of the ruling party was not a prosaic rubber-stamping of a *fait accompli*. It was both a historic event and a moving spectacle. As one sat in the Central Hall of Parliament—the massive sounding board of political opinion in the country—to watch what was in effect a formality one was overwhelmed by a sense of history. It was here 17 years ago that the country's independence was ushered in. By 9 a.m., the appointed time for the party meeting, the large hall was packed to capacity. Never before have so many men and women who controlled the country's political destiny—they included party M.P.s, Congress leaders and several Chief Ministers—gathered under one roof. The Congress President, Mr. Kamaraj, was in the chair. After a brief introductory speech by him, the outgoing Prime Minister, Mr. G. L. Nanda, proposed Mr. Lal Bahadur's name for party leadership. Mr. Morarji Desai, the losing contender for the coveted post, magnanimously seconded it. The party carried the motion with a standing ovation to the new leader. Then the meeting was thrown open to the Press. I cannot to this day understand why the earlier proceedings were held *in camera*

and the written history of the country robbed of a colourful chapter. Some of us, eavesdropping on the sunny steps to the great hall, could overhear most of what was being said inside. We had earlier watched the leaders arrive and tried to gauge the thinking behind their smiling faces. Escorting Mr. Lal Bahadur to the meeting place, Mr. Jagjivan Ram, with the perpetual grin on his face, said he had brought the bridegroom.

The speeches then began with the reporters at work. By then the photographers and television cameramen have had their fill. Mr. Nanda was the first to speak, followed by Mr. Desai. The next speaker was Mr. Jagjivan Ram and then spoke the Deputy Leader of the Parliamentary Party, Mr. K. C. Reddy, now Governor of Madhya Pradesh. After Mr. Kamaraj had spoken a few words in Tamil and before Mr. S. K. Patil rose to propose a vote of thanks to the Congress President, Mr. Lal Bahadur made his first speech as Jawaharlal's successor. He spoke extempore briefly and then read out a prepared statement.

The speeches, though full of platitudes unavoidable on such an occasion, were not without significant straws in the wind. Mr. Desai, for instance, said it was easier to talk about unity than to preserve it. He hoped the unity displayed in electing the new party leader would grow with time. Mr. Lal Bahadur thanked the party for its love and affection and voiced gratitude to Mr. Kamaraj for the heavy burden he had shouldered and "for the way in which you have handled this task." He singled out Mr.

Jagjivan Ram and Mr. Morarji Desai for praise, the former for his "co-operation" and the latter for so graciously abiding by the "wishes of the Congress President." He thanked Mr. Nanda also. When the Prime Minister-designate referred to Mrs. Indira Gandhi and her fortitude in standing the national loss which was more personal in her case, he broke down. In a voice choked with emotion, Mr. Lal Bahadur said he looked forward to Mrs. Gandhi's "continued association with us." She was the only top Congress leader not present on the occasion.

A man of few words, Mr. Kamaraj made a very significant speech lasting less than ten minutes. He said no one person would be able to fill the void left by Jawaharlal's disappearance from the scene. The party would, therefore, have to function on the basis of "collective responsibility, collective leadership and collective approach."

From Mr. Lal Bahadur's remarks it was clear that he wanted Mrs. Gandhi in his Cabinet. Immediately after the party meeting he drove to the Teen Murti House to call on Mrs. Gandhi who was staying there then. It was both a handsome gesture to his junior in public life and a touching acknowledgment of loyalty to one at whose feet the new leader gained his political stature. Mr. Lal Bahadur's references to Mr. Desai and Mr. Jagjivan Ram indicated that he wanted a new chapter of working together. It showed that he wanted both of them, who were not among his supporters, to be in his Cabinet,

But Mr. Kamaraj's stress on collective leadership was open to different interpretations. It was agreed on all hands that Mr. Lal Bahadur, or for that matter any other leader, could not be a replacement for Jawaharlal. But what did he mean by collective leadership? Did it mean a pooling of experience and wisdom, but not so much with a view to reaching a collective decision as to enable the chosen man to reach a decision after having had the advantage of pooled wisdom and experience of other individuals? Collective leadership of the second category is both an asset and a necessity in a democracy, especially in a country like ours with a low percentage of literacy and even a lower level of political consciousness. If only Jawaharlal had less self-centred and more sensible advisers or if he had heeded opinions which were not shrouded in sycophancy, many of the pitfalls of the last 17 years could have been avoided.

In Britain collective leadership on the political plane has always operated through an inner cabinet composed of ministers responsible to Parliament. This was how Lloyd George functioned in the First World War and Winston Churchill in the second. In the United States where the President is not responsible to the legislature though he may be responsive to it, collective leadership takes a different form. It may be a brains trust advising the President as in the case of President Roosevelt or the so-called Harvard Brigade around Kennedy or Eisenhower's Cadillac corps. The term, collective leadership, is not strictly applicable to the American

brains trust which more often than not is composed of men outside the Government. In Britain where the Government is responsible to Parliament the term collective leadership is constitutionally confined to the inner cabinet. Collective leadership expresses itself in collective responsibility.

In India, the principle of the Cabinet's collective responsibility to Parliament is not expressly admitted. But when in 1947, Jawaharlal turned down Acharya Kripalani's claim to have a say in the shaping of the Government's policies, he had more or less upheld the principle. Nehru told the then Congress President that "it is the party from which the government of the day derives its power." That had led to Acharya Kripalani's resignation from Congress Presidentship. If Mr. Kamaraj had in mind an inner cabinet of senior ministers, he was suggesting a healthy convention. But there was no provocation then to dwell on the principle. If, on the other hand, he wanted, as it seemed he did, a new system of consultation between the new Prime Minister and the president of the organisation (himself in the present case) he was suggesting an innovation which was pregnant with immense political possibilities. Confining the principle to the personalities of the day, it might not lead to complications because the personal relations between Mr. Lal Bahadur and Mr. Kamaraj were very cordial and because both leaders shared a rational and pragmatic approach to problems. But what would happen if mutually incompatible personalities came to occupy the two top posts? Moreover, besides the

Congress President there was also the so-called Syndicate to be reckoned with in the present case. The inclusion of Mr. Sanjiva Reddy in the Cabinet and the return of Mr. S. K. Patil to the Government had to an extent softened the practical difficulties in the way of such an arrangement by giving at least a part of the "Syndicate" the constitutional status of an inner cabinet. But the third, and perhaps the most powerful member of the caucus, Mr. Atulya Ghosh, was only a member of Parliament and he liked to remain so. Then there are the Chief Ministers who played a vital role in Mr. Lal Bahadur's election. If all these persons were to have a collective say in shaping the Government's policies, the administration would suffer by delays in decision-making and lop-sidedness in approach. Mr. Lal Bahadur's position as the Head of the Government would also become unenviable.

Prophets of doom among political observers started saying that the guilt was off the gingerbread and that the "Syndicate" was already demanding its pound of flesh for crowning Mr. Lal Bahadur. Frank Moraes, writing in *The Indian Express*, dismissed collective leadership as a contradiction in terms. It would result in leadership which was diffuse and divided, he added.

The problem presented itself as Mr. Lal Bahadur set about the task of Cabinet-making. He had, therefore, to borrow a leaf from Mr. Kamaraj's book and apply the consensus principle again while choosing his ministerial colleagues. Mr. Atulya Ghosh is a man of strong likes and dislikes, not

always based on principles. Like Mr. Patil he is an organisation man and also shares the Railway Minister's contempt for the means to be employed to achieve the desirable end of political stability through perpetuation of the Congress Party's rule. Among his *betes noirs* are the Law Minister, Mr. Asoka Sen, and the Minister for Petroleum and Chemicals, Prof. Humayun Kabir. It is an old rivalry between Mr. Ghosh on one hand and Mr. Sen and Prof. Kabir on the other. Both Mr. Sen and Prof. Kabir are proteges of the late Dr. Bidhan Chandra Roy.

There was never any love lost between the late Dr. Roy and Mr. Atulya Ghosh, though being a father figure in Bengal, like Nehru in the country, Dr. Roy remained on top without having to control the party. Neither Mr. Atulya Ghosh nor the present Chief Minister, Mr. P. C. Sen, could challenge his position. Both Mr. Ashoka Sen and Mr. Kabir are what can be called technocrats, western educated, polished experts in their respective fields, who had a contempt for professional politicians, especially those without formal education like Mr. Atulya Ghosh. Prof. Kabir was very close to the late Maulana Azad and was instrumental in the publication of the Maulana Saheb's autobiography which was critical of Congress conservatives like Sardar Patel. This has made Prof. Kabir a target of Jan Sangh wrath (the Jan Sangh did not spare even Maulana Azad). Coupled with this is the fact that many close relations of Prof. Kabir held high administrative posts in the East

Bengal Province of Pakistan. So, communal-minded Bengali Hindus looked upon him with suspicion.

It was widely known that Mr. Atulya Ghosh wanted both Mr. Sen and Prof. Kabir dropped from the Government. Mr. Lal Bahadur could resist the demand only by pleading that for sentimental reasons he did not want to disturb the Government formed by Jawaharlal. This necessitated his putting up with plenty of dead wood which Nehru had first gathered and then lacked the heart to cut down.

Then arose the problem of Mr. Morarji Desai. Was he to be included in the new Council of Ministers? At the outset, Mr. Lal Bahadur had little doubt that he should find a place in the Cabinet. But the idea met with strong opposition from several quarters, including Mr. Kamaraj. Still, Mr. Lal Bahadur polled the opinions of all those with whom he would have to work in the new Government. He found the consensus again against the former Finance Minister. At this stage, the Prime Minister-designate was torn between two pulls. On one side was a lofty desire to bury the dead past of rivalry and begin afresh on a clean slate, with a view to living up to the professions of unity heard at the time of his formal election. On the other side was the need for homogeneity in the Cabinet and camaraderie among Ministers, neither of which would be possible with Mr. Desai in. Nehru could preside over a divided house of a Cabinet, with some of the Ministers perpetually poised for a mutual

showdown. Could his successor afford to maintain the tradition?

Even then, Mr. Desai would have been in had he not made a mountain of the molehill of ranking in the Council of Ministers. Compliance with his demand would have meant demoting Mr. Nanda who had acted as Prime Minister to a third position Mr. Nanda, also, refused to be in the Cabinet with a third rank. Among others, Mrs. Gandhi advised Mr. Lal Bahadur not to bring Mr. Desai and disturb a hornet's nest.

If Mr. Desai had not taken such a firm stand on the ephemeral issue of rank and accepted Mr. Lal Bahadur's offer of the Commerce and Industry portfolio with a third place in the Council of Ministers, the situation would have taken a new turn. By being able to win his point on Mr. Desai's inclusion in the Cabinet, Mr. Lal Bahadur would have there and then dispelled the widespread impression of over dependence not only on the Congress President but the "Syndicate" also. He could do it, though less demonstratively, about 40 days later when he made Mr. Swaran Singh the Minister of External Affairs without consulting Mr. Kamaraj or the "Syndicate". From Mr. Desai's point of view also, entering the Cabinet with a third rank he would have fortified his chances of succeeding Mr. Lal Bahadur, if and when the occasion arose. The second rank has not enhanced Mr. Nanda's prospects of being the Prime Minister at some future date, because his following within the party and the organisation have not undergone a metamorphosis by the

ranking in the Cabinet. Except for the remote possibility of succession, ranking in the Cabinet has no other significance. All Cabinet Ministers are equal, the Prime Minister being more equal than them. By elevating his petty personal rivalry with Mr. Nanda to the level of a principle, Mr. Desai has only downgraded himself in the eyes of his supporters. Observers recalled that a similar stubbornness in 1963 had cost Mr. Desai the Prime Ministership. Mr. Desai, who was Finance Minister then, declared in the Lok Sabha on April 26, 1963, that even if the House unanimously wanted that the Attorney-General be heard on the legality of the controversial Compulsory Deposit Scheme (withdrawn in 1964 by Mr. Desai's successor) he would not agree to it.¹ He could have displayed his determination to stand by the scheme without rubbing members so openly on the wrong side.

When such were the hard facts of life, some politicians persisted in worshipping at the shrine of Sophist. The long-forgotten Kamaraj plan was unearthed and it was argued that some Congress leaders were still required to be out of the Government to devote themselves exclusively to organisational work. *The Times of India* carried an amusing report on the subject.² It said : "Some top Congress leaders are now taking the view that perhaps it may be premature to scrap the Kamaraj plan altogether and allow all those who had resigned under

1. *The Statesman*, June 3, 1964.

2. June 8, 1964.

this plan to return to their previous ministerial positions both at the Centre and in the States. They feel that the death of Nehru has left a big void in the Congress party and that the need for revitalising the organisation was greater today than ever before."

Such tongue-in-the-cheek sentiments warrant a second look at the Kamaraj plan because retrospectively it seems the charge is valid that it was used to keep out of the Government unwanted leaders. As for the malady afflicting the Congress, K. Santhanam hit the nail on the head when he said,³ "it is not so much the love of mere office as the prospect of undue influence and unearned honour that has been causing all the differences and inducing factions to enrol bogus members and make preparations for an internal struggle regarding the candidates in the elections. If the ministerial office can be converted into a hard job with little scope for nepotism and self-aggrandisement, the internal dissensions will cease to have any purpose."

Neither the first dose of the Kamaraj plan nor the shock of Jawaharlal's death induced such a change in the character of ministerial posts. There was the sorry spectacle of a wrangle over succession going on in a room in the Teen Murti House on May 31, 1964, while in the back garden of the same house visitors, mostly common people, bowed in reverence before the eight urns containing Jawaharlal's ashes. This gulf in the approach to problems between politicians and plebians failed to be bridged

3. *The Hindustan Times*, August 14, 1963.

by the Kamaraj plan. Private judgment superseded public duty in a manner so obviously disdainful of nonconformist opinion even within the party that all sense of right and wrong had been blunted. Convenience and expediency came to be enthroned as the only arbiters of political action.

Mr. Lal Bahadur was to finalise his Cabinet list on June 7, 1964, and submit it to the President before leaving for Allahabad for the immersion ceremony of Jawaharlal's ashes. He spent the better part of the day consulting the Congress President and others. He met his prospective colleagues like Mr. Y. B. Chavan and Mr. Satyanarayan Sinha, who was then said to be the emissary of the Prime Minister-designate to Mr. Morarji Desai. He also had discussions with Mr. Atulya Ghosh and Mr. Sanjiva Reddy, two important members of the "Syndicate". The result of these unscheduled confabulations was that he could not see the President on that day with his Cabinet list. He had to put off his departure for Allahabad until the following morning.

The next day India consigned to the holy waters of the confluence of the Ganga, Yamuna and the mythical Saraswati the last remains of Jawaharlal. Mr. Lal Bahadur attended the ceremony in Jawaharlal's home town of Allahabad and returned to New Delhi the same evening. Still, the Cabinet list was not ready. It was said the President was waiting for the Prime Minister-designate from 6 p.m. until midnight on June 8. But Mr. Lal Bahadur was not in a position to advise the constitutional Head of

the country about the new Cabinet. The newspapers in the country observed a holiday on June 8 in view of the immersion ceremony. So the Cabinet list had no spot news value for most of us that day. Only those working for the wire services (to cater to All India Radio at home and the foreign newspapers) were after the much-postponed event.

Mr. Kamaraj, Mr. Atulya Ghosh and Mr. Sanjiva Reddy stayed on at Mr. Lal Bahadur's residence, which was a beehive of political activity, until 1 a.m. on June 9. The Prime Minister-designate drove to Rashtrapati Bhavan in the small hours of the morning. The new Cabinet list was made public at 3 a.m. in a Rashtrapati Bhavan communique. (The coffee house wag, however, said that it was not due to indecision on Mr. Lal Bahadur's part or the continued confabulations that the submission of the Cabinet list to the President was delayed. Astrologers, it was said, had fixed Tuesday as the auspicious time for announcement of the list and so it was done after midnight. But, according to Hindu calculation, the day begins at sunrise and not after midnight!) The holiday observed by the Press robbed the event of hectic running about by journalists and made it a relatively prosaic development. Like the monsoon sky, the vicissitudinous political atmosphere changed so fast and so frequently that if we had morning newspapers on June 9 we would have had many versions of the Cabinet list. Between 10 p.m. and midnight on June 8, Mr. Morarji Desai was in and out of the future Cabinet at least thrice. The mills of

gossip worked nonstop with plenty as grist. At another stage, Mr. Atulya Ghosh was in the Government to the exclusion of the present Law Minister. Ministerial candidates burnt midnight oil, waiting for the fateful telephone call. Lesser politicians exchanged gossip and still indulged in the futile game of canvassing for their favourites. Here, in fact, was perhaps the best and worst of the democratic system we have given ourselves.

In terms of personalities, the new Cabinet had few surprises. Mr. Desai was finally out and Mr. Sanjiva Reddy was in. Of the key portfolios of Defence, Finance, Home Affairs and External Affairs, the Prime Minister, at least tentatively, retained the last mentioned. In respect of the other three he let the incumbents remain undisturbed. It was a wise and sound decision. Mrs. Indira Gandhi, as expected, was prevailed upon to join the Cabinet but she was given Information and Broadcasting, a vital and much coveted portfolio but not a key one in the conventional sense. Mr. S. K. Patil re-entered the Government and got the Railway Ministry which he had declined in the previous year when offered by Nehru. The other newcomer, Mr. Sanjiva Reddy, took over Steel and Mines, a new combination of ministerial responsibilities.

Strong criticism was voiced by a section of party M.P.s over Mr. Lal Bahadur's failure to include Mr. Morarji Desai and Mr. Jagjivan Ram in his new team. The consensus procedure adopted to avert an open contest for party leadership had, unfortunately, created an erroneous impression among

many Congress M.P.s that as a logical corollary to Mr. Lal Bahadur's unanimous election the new Cabinet would be broadbased to make it representative of the party as a whole. To the protagonists of this kind of party unity it was incredible that important leaders who commanded a substantial following in the party should be left out for whatever reason and "others with comparatively less backing" given key positions in the new Cabinet. The allusion was to Mr. Nanda.

Mr. Lal Bahadur himself had striven hard to find a way out of the seniority tangle, but in the end he found it impossible to reconcile the claims of Mr. Gulzarilal Nanda and Mr. Morarji Desai to the No. 2 position in the new Cabinet. As for the rest of the Cabinet, Mr. Lal Bahadur started off with a feeling that it would be almost sacrilegious to the memory of Jawaharlal Nehru to discard so soon after his death any of the Ministers he had appointed.⁴

With Mr. Desai and Mr. Jagjivan Ram out of the picture, the next task was reallocation of portfolios. This also confronted the Prime Minister with some delicate problems. Since it was impossible for him to please everybody—in spite of the fact that he had decided to retain all the Ministers of the previous Cabinet—he tried to distribute the portfolios in as equitable a manner as possible.

4. Mrs. Tarkeshwari Sinha, former Deputy Minister of Finance, stayed out of the Government because of pending investigations into charges of corruption against her.

He wanted Mrs. Indira Gandhi to join the Cabinet as Minister of External Affairs, but she was hesitant until the last moment. In her case, Mr. Lal Bahadur's problem was one of persuasion to induce her to share some of his responsibilities in the field of foreign affairs. It was agreed on all hands that her taking over the External Affairs portfolio would reassure the foreign Capitals, especially Moscow, that Nehru's approach to world problems would continue undisturbed. But Mrs. Gandhi created a problem for the Prime Minister-designate by insisting on a lighter portfolio. The ticklish question then was how light should a light portfolio be. Education was suggested but Mrs. Gandhi finally indicated her preference for Information and Broadcasting. To quote Prem Bhatia, "With sweet reasonableness Mr. Lal Bahadur went about the task of fixing new portfolios. He spoke to several members of the new Cabinet in order to soften the blow of changes. Instead of abruptly facing them with new assignments, he sought the 'liberty' of making 'adjustments' and new arrangements. In this manner he won over many of those who stood to lose through truncation of portfolios. Thus he has started with the minimum possible of illwill."⁵

But there was much to find fault, at the policy level, with the new arrangement. While there can be little objection to the unscrambling of the industrial activities covered by the different ministries, the shifting of Mr. C. Subramaniam from the former

Ministry of Steel and Heavy Engineering was widely commented upon. Mr. Subramaniam had by that time not only acquired complete control of the heavy engineering, steel and other related public sector undertakings but had also worked out a fairly cogent approach to his task. His success on the Bokaro issue⁶ as well as on the principle of an Indian technical consultant are notable achievements of a comparatively brief tenure. The planners particularly reacted unfavourably to his displacement, especially as his successor at the attenuated Steel and Mines Ministry—Mr. Sanjiva Reddy—was a newcomer to a sophisticated field of industrial direction. His potentialities as an effective steward of a vital ministry, too, remained to be tested and tasted. At a time when ambitious schemes were being contemplated under the Fourth Plan, the change was regarded as retrograde and unmindful of technological consequences.

Neither could Mr. Swaran Singh look with favour on his transfer to the reconstituted Ministry of Industry. This was his third change in three years and fourth altogether. (About a month later he was shifted to the External Affairs Ministry.) Lack of continuity apart, Mr. Swaran Singh's departure would affect the Food and Agriculture Ministry. With his methodical and painstaking approach he had by then managed to acquire a grip on the basic problems of agriculture and the strategy needed to get the better of them. Mr. Subramaniam's ability

6. When the U.S. failed to help build the steel mill, he succeeded in getting the Russians interested in it.

was undoubted. His association with the various Congress committees on land reforms and allied subjects gave him some background, but his interest was likely to be food procurement and distribution. Since Mr. A. M. Thomas, the Minister of State in the Ministry, who was later shifted to Defence Production, had also specialised in food, this left the vital subject of agriculture more or less uncared for.

The only advantage seen in the new arrangement was Mr. Subramaniam's socialist flair which would make him an appropriate Food Minister in the context of the latest trend towards State trading in food grains trade. Reinforcing this impression was the exclusion of Mr. S. K. Patil from the economic ministries. His was the most strident voice of dissent against controls and State trading in food. In his new capacity as Railway Minister, Mr. Patil would have little opportunity directly to influence economic policy.

The Transport and Communications Ministry was again regrouped. It was first split in the previous year when the Kamaraj plan was put into operation. The Posts and Telegraphs Department of Mr. Jagjivan Ram's former portfolio was then tagged on to the Law Minister's entirely distinct duties, leaving Mr. Raj Bahadur in charge of Transport, including civil aviation. Now the latter department also was detached and given to the Minister for Parliamentary Affairs who was not happy at the prospect of losing the custodianship of Information and Broadcasting. Before the advent of Mrs. Indira

Gandhi to this Ministry, the incumbents had the added perquisite of full personal publicity on the radio and unlimited capacity to distribute patronage among newspapers and journalists. No wonder many of them disliked losing it.

Hardly two days later the Minister for Parliamentary Affairs, Mr. Satyanarayan Sinha, declined the additional charge of civil aviation. It also came to light by now that the Labour and Employment portfolio did not deserve a full-fledged Cabinet Minister (Mr. D. Sanjivayya) and a Minister of State, Mr. K. Raghuramaiah. An exceptionally competent Minister, he would be wasting his time and talent there. The first dose of reshuffle of portfolios came a week later. Mr. Swaran Singh was appointed External Affairs Minister and Mr. H. C. Dasappa took over his portfolio of Industry and Supply, leaving Dr. K. L. Rao, a technocrat-turned Minister and an acknowledged expert in civil engineering, in sole charge of the Ministry of Irrigation and Power.

Mr. Swaran Singh is free India's first Minister in exclusive charge of External Affairs. Though lacking in the gift of the gab, he is an astute lawyer and a skilful negotiator who can tire out the other party by his patience even if he cannot outwit the adversary. Before he took over as Minister of External Affairs, his acquaintance with international developments was limited to Indo-Pakistan problems. But an able administrator, he has an indefatigable capacity to study files and master briefs.

The circumstances in which his transfer to the External Affairs Ministry was announced were significant. Mr. Lal Bahadur fell ill on June 27, exactly one month after Nehru passed away. The Prime Minister had a very mild heart attack, though a second one in recent years. He was advised rest and had to cancel his trip to London for the Commonwealth Prime Ministers' Conference. He had chosen Mr. T. T. Krishnamachari and Mrs. Indira Gandhi to deputise for him at the conference.

The London conference ended on July 15. Its final communique contained references which were construed in India as directed against the country's interests in its conflict with China and differences with Pakistan. It was the first Commonwealth Prime Ministers' Conference to be held after the Chinese aggression against India in 1962. The last London get-together preceded the Sino-Indian border fighting by a few weeks. Still, there was no reference at all in the communique to the Chinese attack. There was a mention of "the critical international situation which had developed shortly after their last meeting...and the grave threat to peace which it had implied" but it was an allusion to the Cuban crisis. To add insult to the injury, from the Indian point of view, were a couple of sentences in respect of China. They said the heads of the Commonwealth countries "discussed the great significance of China for South and South-East Asia. They also discussed the question of relations with China and of her membership of the United Nations." This was in contrast to the

“sympathy and support” pledged to Malaysia in its trouble with Indonesia.

Several factors had evidently combined to produce this strange phenomenon. India's fellow Asian-African non-aligned States like Ceylon and Ghana had always suffered from a sneaking admiration for and an apparent awe of Peking. The heads of these two Commonwealth Governments, Mrs. Sirimavo Bandaranaike and President Kwame Nkrumah respectively, were also always anxious to appear “progressive” (for primarily domestic political reasons) by siding with China whenever an occasion arose. India had always put up with this attitude of her so-called friends. Then there was Pakistan with her new-found love for Peking. Apart from pleasing China, the occasion provided Field Marshal Ayub Khan with an opportunity to do India down. The Conservative Government in Britain also was not reluctant to snipe at New Delhi and settle some old scores. Hadn't India in the past championed the cause of China against imperialism and colonialism? Besides, India even today supported Peking's admission to the United Nations. The result of this amalgam of prejudice and principles was an ambivalent sentence on “the great significance of China for South and South-East Asia” followed by the consensus that Peking should find a place in the world organisation.

The communique also, for the first time since the inception of the Commonwealth, dwelt on Indo-Pakistan “problems.” It said : “The Prime Ministers noted with satisfaction the friendly public

statements by the President of Pakistan and the Prime Minister of India and expressed their hope that the problems between their countries will be solved in the same friendly spirit. While recognising that it was not a function of the Commonwealth to act as an arbiter in disputes between member-nations, the Prime Ministers agreed that Commonwealth countries could play a role of liaison and, where possible, consider using their good offices to help towards the settlement of disputes between member-nations, provided the parties concerned accepted such mediation."

On the face of it, the foregoing was unexceptionable. But in the context of the fact that never since the inception of the Commonwealth in its present form had the Prime Ministers' conference expressed itself on the disputes between member-countries it sounded sinister. Was it the thin end of the wedge of Commonwealth "mediation" on Kashmir? Jawaharlal had in the past, especially in 1960, unequivocally opposed any discussion on Kashmir and other Indo-Pakistan differences at the London conferences. This was in spite of the fact that he had discussed Kashmir and allied matters with successive heads of Government in Pakistan and had also agreed to abide by the U. N. Security Council resolutions on Kashmir provided all the preconditions were fulfilled.

But 1964 was not 1960. India's capacity to resist Western persuasion in favour of a negotiated settlement of disputes with Pakistan suffered greatly after the 1962 Chinese attack. It was not merely

due to the generous Western military assistance during and after the Peking invasion. There was also the realisation, not denied in New Delhi, that as long as Indo-Pakistan relations remained inimical India would not be able to concentrate on meeting the Chinese threat. Nehru himself had to agree, in 1962-63, to reopen the dialogue with Pakistan when Washington and London pleaded for steps in that direction. It was not a case of succumbing to pressure from outside but one of heeding the voice of reason, whatever be the motivations behind it and whatever the implications at home.

Secondly, following Sheikh Abdullah's release and visit to Pakistan and in the wake of the passing away of Jawaharlal, Mr. Lal Bahadur and Field Marshal Ayub Khan had exchanged communications favouring a negotiated settlement of differences between the two countries. The communique, to start with, merely recorded the fact with approbation. Here again, it was Ceylon's Mrs. Bandaranaike who suggested the incorporation of the reference to Indo-Pakistan "problems" in the communique. Pakistan, no doubt, started exploiting it as a diplomatic victory. It could also be anticipated that Rawalpindi would do so in the context of the Presidential election scheduled to take place later in the year and the combined opposition the Field Marshal was encountering

But could the Indian representatives have prevented it? Or in the alternative could they have walked out of the meeting in protest? What impres-

sion would such a step have given against the background of Lal Bahadur-Ayub Khan correspondence and the meeting which Mr. Krishnamachari and Mrs. Gandhi had with the Pakistan President during the conference? Would it not be interpreted as hypocrisy on the part of India to agree to discuss the differences in one breath and in another oppose any mention of that agreement? Moreover, the Soviet Union and China also have said that Indo-Pakistan differences should be peacefully settled mutually. While Peking is exploiting in a big way the Indo-Pakistan cold war and lending moral and other support to Pakistan, the Soviet Union has all along opposed outside interference in Indo-Pak quarrels. The Commonwealth communique also did not envisage any compulsory mediation by other members. Advice to India and Pakistan to settle peacefully their mutual differences was not a sinister Western scheme to which a pro-American Mr. Krishnamachari had kotowed.

But the storm of protest in the country, which greeted the communique, was not concerned with the rationale of the situation. The Communists saw in it an opportunity to mount anti-Western propaganda and also snipe at Mr. Krishnamachari. The Jan Sangh thought India had lost Kashmir on account of the communique! The so-called Left-wing in the Congress utilised the opportunity to avenge its performance in the succession battle and to settle old scores with Mr. Krishnamachari who was one of those who urged Mr. Krishna Menon's removal from the Defence Ministry in 1962. Since

they could not play their game without trying to divide the Cabinet, they said the Finance Minister dominated the show at London, to the exclusion of Mrs. Gandhi, and bungled it. It was simultaneously whispered that if Mr. Krishna Menon were representing India at the conference he would not have allowed such a communique to be issued. The supporters of Mr. Morarji Desai also jumped on the bandwagon. One of them, Mr. Raghunath Singh, Secretary of the Parliamentary Party, issued a statement criticising Mr. Krishnamachari's role at the conference. Reinforcing the criticism came suggestions from the pro-Morarji M. P.s that if a "strong man" had been at the helm of affairs the situation would not have come to such a pass.

The officials of the External Affairs Ministry also were unhappy at the cheap diplomatic victory which Pakistan had won at London. Their diagnosis of the malady was that if there had been a full-time Foreign Minister, the Government could have been better prepared to meet Pakistan's diplomatic manoeuvres. Mr. Lal Bahadur seemed to have concurred with this opinion. His health was now normal but he had neither the time nor the energy to handle the day-to-day developments at the External Affairs Ministry. So he decided to have a separate External Affairs Minister.

A few days before the hullabaloo about the Commonwealth communique, the then Punjab Chief Minister, Mr. Partap Singh Kairon, had to be asked to resign following the publication of the findings of a judicial enquiry into charges of

corruption against him.⁷ The Congress President suggested that Mr. Swaran Singh be asked to take over as Chief Minister of Punjab. But Mr. Lal Bahadur was not in favour of such an arrangement. He wanted Mr. Swaran Singh to stay on in the Central Government. When he felt the need for a separate Minister of External Affairs, his choice fell on Mr. Swaran Singh. A process of elimination seemed to have preceded this decision. First, there was no question of Mr. Krishnamachari leaving the Finance portfolio. Secondly, Mrs. Indira Gandhi was still not prepared to shoulder the burden. As for Mr. Nanda, the so-called Congress Left, while running down Mr. Krishnamachari's role at London, had started a campaign that the Home Minister should be put in charge of External Affairs. Appointing him to the post, assuming that Mr. Nanda would welcome such a switch, might mean an endorsement of the Communist criticism of Mr. Krishnamachari's performance at London. The pro-American elements had been championing the cause of Mr. S. K. Patil and so he was ruled out.

Mr. Swaran Singh's transfer to the External Affairs Ministry was announced while Mr. Krishnamachari was still in London after the Commonwealth conference and Mr. Kamaraj had been out of the capital for some time. Unlike at the time of the Cabinet formation in the previous month, Mr. Lal Bahadur did not now consult others while taking the decision. Of course, Mr. Nanda was kept

7. See Chapter 12 for fuller treatment of the subject.

informed and he apparently concurred with the Prime Minister. There was no question of consulting the "Syndicate". If Mr. Kamaraj had been in New Delhi, the Prime Minister would have naturally informed him of the decision. Political observers interpreted this development as the first instance of Mr. Lal Bahadur asserting himself not only against the "Syndicate" but against the Congress President also and of the Prime Minister and Mr. Nanda acting in unison.

Two Faces Of "Syndicate"

The "Syndicate", as already stated, was born at Tirupati in Andhra Pradesh in September 1963. It was not a caucus then but an attempt at collective leadership. By then it was apparent that the party had no leader who could replace Jawaharlal. A collective of persons without much of an all-India following but with a position of pre-eminence in their respective regions was to fill the bill. Mr. K. Kamaraj himself was one of the collective. The others were Mr. Atulya Kumar Ghosh, Mr. Neelam Sanjiva Reddy, Mr. S. Nijalingappa, Mr. S. K. Patil and Mr. Biju Patnaik. They were of one mind that Mr. Kamaraj should be the Congress President. Later, they pulled together at the Bhubaneswar session of the Congress in January 1964. Whatever might be the subjective wishes of some of these leaders, the collective had no aspiration to measure strength with Jawaharlal. It was inevitable that such a combination of leaders would influence even Nehru and they did so. Jawaharlal himself realised the potentialities of such a group to exert pressure on him and he readily put up with it.

After Mr. Kamaraj's election as Congress President he began to drift away from the group. January to May 1964 were months of dormance for the

"Syndicate". Then the succession issue came to the fore. But by now, apart from Mr. Kamaraj's aloofness, the "Syndicate" lost its oneness of purpose. Mr. Biju Patnaik, who was not too fond of Mr. Lal Bahadur presumably because of the latter's firm stand as Union Home Minister that the charges of corruption against the Orissa leader should be fully gone into, developed a theory that the country needed a "strong man" like Mr. Morarji Desai at the helm of affairs to prevent disintegration on one side and a military dictatorship on the other. This was the antithesis of the concept of collective leadership to which he was a subscriber hitherto. An overlapping of the spheres of influence also developed between Mr. Patnaik and Mr. Atulya Ghosh. Mr. Ghosh looked upon himself as the supreme leader of eastern India, as Mr. Kamaraj was for southern India. Eastern India included Orissa in his assessment, which meant that while Mr. Patnaik could be the monarch of all he surveyed in his home State he would have to acknowledge the right of Mr. Ghosh to speak for the entire region on national issues. Mr. Patnaik was not prepared to concede it then. Hence came the parting of the ways between the two.

Mr. Ghosh is a unique character in many respects. He exudes strength which is not entirely due to the bigness of his figure. Behind the dark glasses which he always wears are hidden a perceptive vision and a keen, calculating mind. He not only believes in the axiom that nothing succeeds like success but has also demonstrated its practicability in the

politics of a country where nothing is worshipped more than power.

Born in Calcutta in 1904, Mr. Ghosh did not have formal education. His father, Mr. Kartik Chandra Ghosh, and grandfather, Mr. Gopal Ghosh, were zamindars. But Atulya did not have a head start in life by being born with a silver spoon in his mouth. He lost his father when he was only two. By the time he had grown up most of the property was lost due to neglect.

Atulya was drawn into public life by the late Mr. Asutosh Das—founder of a welfare organisation called Kalyan Sangh. Later he joined the Congress and worked his way up by his capacity for mass contact and organisational ability. From assistant secretaryship of Serampore Town Congress Committee to secretaryship of the Hooghly District Congress Committee was a single leap for him. He became the secretary of the West Bengal Pradesh Congress Committee in 1948. The very next year he took over as president of the pradesh Congress. Atulya has a temperamental aversion for office. He likes to be the power behind the throne. Two persons influenced Atulya most and helped him considerably in attaining the present stature. They are Mr. Dhiren Mukerjee, a banker, and Mr. P. C. Sen, the present Chief Minister of West Bengal. Mr. Dhiren Mukerjee had given Atulya his first job as a ledger clerk in his bank. Those were the days when only the foreign-owned banks could afford furnished offices. Atulya would squat on the floor—in the All-India Congress Committee

style—and work at a low desk, as do clerks in Marwari business houses. Mr. Mukerjee helped Atulya financially and otherwise in the formative years of his political career. Atulya literally erupted on the West Bengal political scene in 1947-48, following the partition of Bengal. Hitherto, most of the political leaders of the State were from the present East Bengal of Pakistan. After partition, Atulya organised a West Bengal Congress workers' conference and thus shot into limelight. The subtle but very real difference between East Bengalis—they were so to speak refugees in Indian Bengal—and West Bengalis was an additional spur to Atulya's leap forward.

Atulya came into contact with Mr. P. C. Sen in 1947. It was a fateful friendship which later blossomed into a political association with a far-reaching impact on the fortunes of the State. Mr. Sen consistently helped Atulya with money. It was said that his salary as a Minister in the B. C. Roy Cabinet used to go entirely to finance Atulya's political activities. Mr. Sen also used to raise money for his more powerful protege. Today, they are the king and the king-maker.

The challenge to the Congress in West Bengal came from the Communists who were strong in the urban areas but who lacked roots in the countryside. Concentrating on the rural areas the Congress could continue to rule West Bengal. But Atulya was not content with it. In the 1957 General Election he bearded the Communists in their den of urban Bengal. For one steeped in the Gandhian lore—he

is the author of Bengali books like *Noakhalite Gandhiji*, *Ahimsa O' Gandhi*, *Nairajyabadi Dristi Gandhibad* (the last named an analysis of Gandhism in the light of anarchist thinking)—Atulya has too little regard for the means he employs to achieve ends he sets himself. In this he is like Mr. S. K. Patil, Mr. Sanjiva Reddy and Mr. Biju Patnaik. He perhaps thinks the Communists have to be fought with their own weapons. But the tragedy is that the tendency has grown to use such tactics in intra-party quarrels as also in public life generally. Atulya wields a facile pen in Bengali. As a boy, he lived with his maternal grandfather, Mr. Akhoy Sarkar, a contemporary of Bankim Chandra and a noted writer and scholar. He imbibed the elder's flair for literature. Atulya is a poet, too. He has written prose verse. Above all, he is a superb orator in Bengali. His bunch of letters to a friend's daughter, Mira—on the lines of Jawaharlal's letters to Indira Priyadarshini—broke new ground in modern Bengali writing, combining lucid writing, chaste expression and an easy style. Atulya loves books and reading as much as perhaps power. His house in Karbala Tank Lane in the interior of Calcutta is a warehouse of books of all kinds, Bengali, English and Hindi.

Atulya, like the new political elite in the country, represents the upsurge of the professional politician. Leaders of the earlier generation were mostly Western educated lawyers, doctors and administrators who made their mark in their respective careers before entering politics. For Atulya, on the

other hand, politics is a profession. He has, therefore, an aversion for technocrats who seek to turn politicians. This is the current trend in Indian politics. The new generation reared in science and technology is shunning politics and is also abhorred by professional politicians who are self-educated, like Mr. Lal Bahadur, Mr. Kamaraj, Mr. Atulya Ghosh and Mr. Sanjiva Reddy or are uneducated like the bulk of the new crop of legislators. For at least a generation to come, educated India will be ruled by villagers with a strong urban bias for concentration of power in a few hands.

Mr. Patnaik is an exception, being a pilot by profession and a man of science in outlook. But he represents a compromise on the part of the technocrat to make his peace with the politicians and play second fiddle to the latter. The Deputy Chairman of the Planning Commission, Mr. Asoka Mehta, though he has made politics his profession, is again an expert in the field of economics. His is thus a different kind of compromise. There are in the Central Cabinet men like Mr. T. T. Krishnamachari, Mr. M. C. Chagla, Mr. Asoke Sen and Prof. Humayun Kabir, who have either drifted or have been drawn into politics from their respective vocations. They owe their political careers to the party bosses.

Like Mr. Atulya Ghosh, Mr. Neelam Sanjiva Reddy, another member of the "Syndicate", is a typical party boss. Born in May 1913, at the village of Illuru in the Anantpur district of Andhra Pradesh, he gave up his studies to join the Youth Congress. Scion of a reasonably well-to-do landlord family,

he represents the coming into its own of the Reddys (a non-Brahmin sub-caste) in Andhra where first the Brahmins and then the Kammas (another non-Brahmin sub-caste) have had their day.

First recognition of Mr. Sanjiva Reddy's flair for organisation came in 1938, when the then President of the Andhra Pradesh Congress Committee, Dr. Pattabhi Sitaramayya, made him the P. C. C. Secretary. There were, as perhaps always, two groups in the Andhra Congress then but fortunately they were not based on caste rivalry. In fact, the leaders of both the factions, Dr. Pattabhi and Mr. T. Prakasam, were Brahmins. It was more a clash of personalities, a case of repulsion between two extremely dissimilar temperaments. Mr. Prakasam had neither the knack nor the patience for raising an organisation. He was a leader, head and shoulders above many others, who could think and act courageously unmindful of personal and other consequences. He was most aptly called the lion of Andhra. Dr. Pattabhi, a cool, calculating intellectual, lacked Mr. Prakasam's mass appeal. But he could control the party machine.

Twentyfive-year old Sanjiva Reddy could not have cast his political lot with Dr. Pattabhi. But there was no doubt where his predilections lay. He was not cut out to be an intellectual nor could he be a man of the masses. He realised his *fort* was going to be organisation, getting things done surmounting practical difficulties. Mr. Sanjiva Reddy, his younger brother, Mr. Rajasekhara Reddy, who is now the Secretary of the Rightwing Communist Party in

Andhra and his cousin and brother-in-law, Mr. T. Nagi Reddy, an able parliamentarian who is a leader of the Left Communists, were all brought up together under one roof. Mr. Sanjiva Reddy is the least emotional of them all. He is almost placid, rarely perturbed, of positive purpose and not given to the ways of agitation. If he wanted to he, too, could have acquired the knack of mouthing Marxist slogans. His I. Q. is none the worse for being a Congressman from the start. He has also the gift of the gab, though Mr. Nagi Reddy is more sophisticated as a speaker. I remember the parlous days of Andhra's start as an autonomous State and the improvised legislature in Kurnool with only a long, narrow table separating the Ministers from the Opposition front bench. It was more like a small town magistrate's court. Mr. Sanjiva Reddy was the *de facto* Chief Minister, though in designation he was second to the veteran prodigal, the late Mr. Prakasam. Mr. Nagi Reddy was the leader of the Communist Opposition. The brothers-in-law would, off the legislative record, address each other by their first names. They also shared the microphone. Once on his feet, Mr. Nagi Reddy would deliver philippics at his brother-in-law in flowery Telugu. Mr. Sanjiva Reddy would give it back, almost word for word, with no holds barred. Was it a show for the edification of the onlooker at the expense of the tax-payer? No. The differences were basic and the approaches diametrically opposite.

Mr. Sanjiva Reddy shares with Mr. Atulya Ghosh and Mr. S. K. Patil the distinction of being an

inveterate opponent of the Communists. But he is nearer Mr. Ghosh than Mr. Patil in this respect. He did not stray into the ideological battle against Communism which in Nehru's India would have involved him in foreign policy complications. He fought and vanquished the Communists in the arena of active politics. At the same time, within the Assembly and at the personal level he established a *rapprochement* with them. There was a personal equation between him and Mr. P. Sundarayya also, who was no kinsman. He pressed it to advantage in combating Prof. N. G. Ranga and his followers. After all, he had to divide the Opposition and rule the State. Mr. Sanjiva Reddy's attitude to the Communists, however, tended to be controversial. While his non-Communist opponents charged him with sheltering Mr. Nagi Reddy when he was a fugitive from the law, Mr. Sanjiva Reddy's Communist kinsmen found him wanting in *bon homie*.

To the rivals in his own party, Mr. Sanjiva Reddy, however, gave no quarter unless they switched their personal loyalty. In the sharply divided house of the Congress organisation in the undivided Madras State, he threw in his lot with the opponents of Mr. Prakasam. They included Dr. Pattabhi and Mr. Kala Venkata Rao in Andhra and Mr. Kamaraj in Tamil Nad. Then began the association between Mr. Sanjiva Reddy and Mr. Kamaraj, which grew with years transcending linguistic differences. He found a place in the Kumaraswami Raja Ministry of undivided Madras in 1949. Mr. Kamaraj was the power behind the throne then.

Two years later, he chucked away the ministership to become the President of the Andhra Pradesh Congress Committee in the teeth of combined opposition from Mr. Prakasam and Prof. Ranga.

The Andhra State was born on October 1, 1953. Mr. Sanjiva Reddy should have normally headed the Government in the infant State. But there was an illustrious prodigal in the house. Mr. Prakasam returned to the parent organisation having had enough of the Kisan Mazdoor Praja Party and the Praja Socialist Party. Mr. Prakasam's earlier exit from the Congress was essentially due to the scuttling of his Chief Ministership in undivided Madras by his own partymen. So the octogenarian developed a kind of pathological weakness for the office. Mr. Sanjiva Reddy magnanimously stepped down in favour of the senior, though as Deputy Chief Minister he ran the administration. Prof. Ranga's followers also trooped back into the Congress and were accommodated.

The political compromise did not, however, make Mr. Sanjiva Reddy loosen his grip over the party organisation. Men might come and men might go at the top but the party machine ran on smoothly, with energetic Mr. Sanjiva Reddy at the wheel. The stability of the Government in Andhra remained unaffected by raging party squabbles and everchanging combinations and permutations of politicians. So much so, Mr. Sanjiva Reddy could in 1960 lay down the Chief Ministership and take over the Presidentship of the Indian National Congress, as effortlessly and smoothly as a consum-

mate actor would shed one role for another.

Like Mr. Atulya Ghosh, Mr. Sanjiva Reddy represents the new type of leadership, extremely pragmatic, ruthless and power conscious. With their feet firmly on the ground and vision fixed resolutely on the goal, they march on, inexorably, unmindful of ethical niceties and unhampered by qualms which would have cramped the style of a Gandhiji. Mr. Kamaraj is not in the "Syndicate," though he is of it. Mr. Sanjiva Reddy represents him in it. Thus, the "Syndicate" has only two distinct faces though there are many brains behind it.

Not having had formal education, Mr. Kamaraj could not have read Rudyard Kipling's poem, "If". But Kipling must have had an earlier edition of Mr. Kamaraj in mind when he wrote it. One finds in the Congress President almost all the attributes of a Man, described in the verse. It says :

If you can talk to crowds and
keep your virtue
Or walk with kings—nor lose
the common touch
If neither foes nor loving
friends can hurt you
If all men count with you, but
none too much,
If you can fill the unforgiving
minute,
With sixty seconds' worth of
distance run,

Yours is the earth and every-
thing that is in it,
And which is more—you will be
a man, my son.

The choice of Mr. Kamaraj as Congress President was the result of the realisation that someone with resolution and detachment, someone who was uninhibited by considerations other than the growth of the party should shoulder the burden. As Chief Minister of Madras, Mr. Kamaraj had displayed these qualities in the midst of multifarious irritants. Later, when the exigencies of administrative responsibilities had imperceptibly pushed the needs of the party to the background Mr. Kamaraj fathered a plan or a device which proved the midwife of a silent revolution.

Ever since he became the Secretary of the Tamil Nad Congress Committee in 1936 under the affectionate guidance of his master, the late Mr. S. Satyamurti, Mr. Kamaraj had been looking at the organisation essentially as one reflecting the aspirations of the masses, subject to the political requirements of the party. While that was the case when its entire resources were deployed in the freedom struggle, he thought it should be much more so after independence when nation-building was on the agenda. Mr. Kamaraj seldom distinguished between service and direction. To him providing direction and guidance was only a stage in service. Hence, except for a change in position, there did not seem to be any change in his outlook when he

became President of the Tamil Nad Congress Committee four years later. He remained in that position till 1954 when he had to become the Chief Minister of the State in the absence of anyone who could succeed his illustrious predecessor. His record as Chief Minister during three terms has now become the envy of many others. Almost fanatical in his belief that the Congress is the only organisation capable of delivering the goods, he has all along looked upon the party as the imperative means to all political ends.

As a legislator and member of the Constituent Assembly and Parliament before he became the Chief Minister, Mr. Kamaraj held the view that work in the constituency among the people was more important for the organisation than success on the floor of the legislature which had the narrower end of making a career. It was this desire to return to the people which impelled him to evolve the programme of intensive mass contact. An imperturbable exterior, while his mind is preoccupied with problems, endows Mr. Kamaraj's bearing with a sense of strength. A man of extremely few words, sexagenarian Mr. Kamaraj lashes out with biting irony when it comes to joining issues with the opposition on party platforms. He recalls to mind the sarcasm of his mentor, Mr. Satyamurti. His style is not flamboyant or pedantic. It is forthright and simple. Silence, it is suggested, is golden but not always productive of men of steel. Mr. Kamaraj, handicapped by the lack of Hindi or English, is relatively silent but never more effective. Indeed

one has begun to ask whether his exclusive addiction to Tamil is not the most potent weapon in his armoury outside Tamil Nad. Knowing neither sufficient English nor Hindi to conduct a prolonged discussion, Mr. Kamaraj has recourse to brief monosyllabic dialogues which, though they might have been conducted in the fashion of the Delphic oracle, have nothing Delphic about them. Mr. Kamaraj knows what he has to say and says it, leaving his audience, single or multiple, in no doubt as to what he means. As a result he emerges in the image of a man who knows his mind in all kinds of situations.

Profile Of Leader*

What kind of a man is Jawaharlal's successor? There could hardly be two men more strikingly different in personality, temperament, training and background than Nehru and Mr. Lal Bahadur. Yet basically the two men shared the same political outlook, the same social and economic ideas and objectives. Mr. Lal Bahadur is closer to earth than Jawaharlal was, for Nehru's mind roved on a rarefied plateau, which often enabled him to see the far-off mountain tops while overlooking the plains and valleys below. The range of the new Prime Minister's interests is more limited but while fixing his gaze on the horizon he keeps his feet planted firmly on solid earth.

Mr. Lal Bahadur is not easily ruffled. His patience is monumental and seems to be inexhaustible. He lacks Nehru's sense of hurry and hustle, and his impatience to stampede the country into progress along new ways of life and thought. Mr. Lal Bahadur is too self-effacing to be burdened with the consciousness of history. But he shares Jawaharlal's deep attachment to democracy and secularism, his passion for unity and the sensitivity which

* This was first published in a slightly condensed form in *The Indian Express* on June 3, 1964.

often put a self-imposed brake on the artificial pace to which Jawaharlal subjected both himself and his people in his fierce urge for progress. Above all, Mr. Lal Bahadur is stirred by the same social conscience which in Jawaharlal expressed itself in a passionate determination to uplift the poverty-stricken masses.

Son of a very poor lower middle class family, Mr. Lal Bahadur could not afford many things, including a horoscope, which is more important than a birth certificate for a Hindu child. Asked by newspapermen recently whether he believed in astrology, the Prime Minister confessed that nobody had drawn his horoscope and so there was no question of his believing or not believing in it.

His father, Mr. Sharda Prasad, was a school teacher who later switched over to Government service at Moghalsarai, U.P., where Mr. Lal Bahadur was born. To add to the chill penury of a large family and limited means, Mr. Sharda Prasad died when Mr. Lal Bahadur was 18 months old. He was brought up by his maternal grandfather.

He had his early education at Harischandra School, Varanasi. Once, unable to pay the boat fare, he swam across the Ganga with his satchel on his head to prevent his books from getting wet. Uncharitable critics have read into this little incident an inborn shyness to get his feet wet, metaphorically speaking.

Mr. Lal Bahadur was not cut out for politics. Both his grandfather and mother were extremely devout, and they inculcated religious-mindedness

in him. His joining Kashi Vidyapeeth was partly on account of this, because the institution specialised in religious and nationalist education. Mr. Lal Bahadur was 17 when he was drawn into the Non-Co-operation Movement of Gandhiji. The religiosity had given place to the nationalist urge in the young heart. After a brief spell in jail, he returned to Kashi Vidyapeeth to resume his interrupted studies and earn a degree. He was 22 when he graduated. The honorific title of Shastri which went with a degree from the Vidyapeeth had stuck to him as a suffix to his name and is often mistaken for a surname. That was why while he always addressed Jawaharlal as Panditji, Nehru never called him Shastri but Lal Bahadur. Politics, history and Indian culture were Mr. Lal Bahadur's subjects at the Vidyapeeth, but both the curriculum and syllabus at Varanasi differed from Western education which was already available in India.

Just as after the 1932 satyagraha many nationalists abandoned the Gandhian path to become Marxists, socialists and even terrorists, a large number of young men and women who had participated in the Non-Co-operation Movement gravitated towards the more militant leadership of Lala Lajpat Rai. So did Mr. Lal Bahadur. He became a life member of the Servants of the People Society and shifted the scene of his activities to Allahabad. Here he came under the Nehru spell. It was a queer period in the freedom struggle. Torn between the advocates of council entry and the protagonists of total non-co-operation, the Congress, especially in

U. P., devoted its energies to a positive role in the civic administration while responding to Gandhiji's call for defiance of the law, whenever it was given. So did Mr. Lal Bahadur and even Jawaharlal.

Mr. Lal Bahadur was elected to the Allahabad Municipal Board in 1928. This was his first public office. Except for a 30-month jail term in connection with the Salt Satyagraha, he was a member of the Board for seven years and of the Improvement Trust for four. He was by then in the thick of Congress politics. He was elected secretary of the district Congress committee and later became its president. In 1935 he became General Secretary of the Pradesh Congress Committee. While still holding that office in 1937 he contested the elections under the Government of India Act, 1935, and was elected to the Provincial Assembly. But he did not find a place in the 1937 Pant Government.

By now Jawaharlal was a pacemaker in the Congress and had raised the banner of independence for India as against Gandhiji's nebulous cry for Swaraj. Mr. Lal Bahadur followed in the footsteps of Nehru. From then on he was to play a role subsidiary to that of the dashing and impetuous Jawaharlal, trailing him faithfully but content always to remain well in the background. Indeed for some considerable time his talent lay in merging himself into the background.

Lal Bahadur has a physique and temperament which lend themselves naturally to that operation. Small in stature to the point of being diminutive, he has a doll-like appearance, bright-eyed, with

hands and feet modelled in the same miniature proportions. His personality exudes the wonder and innocence of juvenility. His voice, low and soft, almost seems to emanate from some concealed mechanism, and the marionette impression is heightened by his bearing and movements.

He was again in jail, this time for only a year, in connection with the Individual Satyagraha of 1941. Then came the Quit India struggle and he was detained for nearly three years until July 1945. Mr. Lal Bahadur started his ministerial career as Parliamentary Secretary to the then Chief Minister of U.P., Pandit Govind Ballabh Pant, in 1946. He was promoted to Minister of Transport the following year.

Mr. Lal Bahadur has been moving in and out of office. His resignation as Union Home Minister in August 1963 was not the first instance of his giving up a ministerial post to devote time and attention to party work. He did it in 1951 when he took over, for a brief while, as General Secretary of the AICC.

Mr. Lal Bahadur's debut on the Central political stage was in 1952 when he became the Minister of Railways and Transport. Then also he was not originally meant to be included in the Central Cabinet. When ultimately Nehru wanted him in his Cabinet, Mr. Lal Bahadur was elected to the Rajya Sabha and then joined the Union Government. After a railway accident, he resigned his ministership, setting the healthy precedent of owning ministerial responsibility for administrative acts of commission and omission.

Mr. Lal Bahadur also is an organisation man. Though tub-thumping and Tammany Hall methods are far from him, he won for the Congress an overwhelming majority in U. P. in 1957 when the Socialists posed a threat in the rural areas and the Jan Sangh in the urban centres. He was elected to the Lok Sabha in the 1957 elections from Allahabad, which was also Jawaharlal's constituency, and was appointed Minister of Communications and Transport. He was given the portfolio of Commerce and Industry in the Cabinet reshuffle of March 1958. In April 1961, after the death of Mr. Pant, he became the Home Minister.

Mr. Lal Bahadur has a knack of winning friends and influencing people by his humility. His suave, soft-spoken personality disarms even the most militant of opponents. During his Nepal mission in 1963—his first visit abroad—he held a Press conference in Kathmandu where a couple of angry Nepali journalists hurled provocative questions at him. Unruffled, he stressed the complementary roles of India and Nepal in international affairs and how one could not prosper without the help of the other. A born mediator, he brought about cordiality in the relations between India and Nepal which, after the dismissal by King Mahendra of the Koirala Government in December 1960, were severely strained. A man of peace, he is also a man of principle who while willing and indeed adept in reconciling differences and bringing together divergent personalities by his own irresistible air of sweet

reasonableness, never sacrifices cherished convictions or principles.

Significantly, Mr. Lal Bahadur has no boyhood photographs. A student who could not afford the boat fare of one anna could hardly think of a photograph. Not very photogenic, he also shuns cameramen.

Mr. Lal Bahadur revels in self-denigration. Referring to his wife's flair for temple-visiting he once said that while he amassed sin his better half counteracted it with her piety. Affable and extremely kind, Mr. Lal Bahadur is not easily misled. As Minister both in U. P. and at the Centre he has put many a stiff-shirted official in his place without appearing to be aggressive. Above all, he shares Jawaharlal's virtue of tolerance and capacity to understand the other man's point of view.

When the occasion demands his frail frame of 112 pounds and five feet two inches becomes a mass of energy. During Jawaharlal Nehru's illness and death and earlier, while electioneering for the party, he spent days and nights without food or rest.

Mr. Lal Bahadur is a forceful writer in Hindi. He has translated the biography of Madame Curie. Like Jawaharlal, he speaks Persianised Hindi though he is a Sanskrit scholar. Sharing his birthday (October 2) with Mahatma Gandhi, Mr. Lal Bahadur has Gandhiji's trait of humanity and gentleness, and following in the footsteps of Nehru he has also learned from him to keep pace with a developing modern world while preserving the best traditions of

the past. Aphorisms are built on half-truths. Strong men are rarely silent and no saint is simple. The humility which the people of India identify with the Prime Minister need not necessarily be interpreted as easy acquiescence or a congenital proneness to compromise.

Bhubaneswar to Durgapur

This chronicle has now to leap forward in time to maintain the continuity of the narrative. This is because Mr. Lal Bahadur's first confrontation with the rank and file of the party he was chosen to lead after Nehru was at the 69th annual session of the Indian National Congress at Durgapur, in West Bengal, in January 1965. The earlier Congress session at Bhubaneswar was the last to be attended by Nehru. He had suffered a stroke there and did not participate in its deliberations. It was evident at Bhubaneswar that the country and the Congress would soon have to think in terms of functioning without Nehru, but the outcome of the Bhubaneswar session did not directly indicate any preparation for the eventual change-over in leadership. One of the eminent physicians who was summoned to Bhubaneswar to attend on Nehru had actually confided in Mr. Lal Bahadur, whom he regarded as Jawaharlal's closest political colleague, that it was a matter of time before India would be without the leadership of Nehru and that arrangements should soon be made to relieve the ailing Prime Minister of as much burden as possible. He had even hinted at the need for grooming a successor who might have to step into Nehru's shoes in a matter of months.

But as Nehru began to react to the treatment, all thoughts of finding a successor were either forgotten or had relegated to the background. The sense of urgency which characterised the question in the days following the Bhubaneswar Congress was soon lost. It was even considered improper to dwell on the subject. Nehru also would not let the succession question to be brought up openly. He had brought back Mr. Lal Bahadur into the Cabinet as Minister without Portfolio "to assist him in his work," as he himself told Mr. Lal Bahadur on the day he returned to the Government. But, though he very often shared with his successor his thoughts on the developing situation at home and abroad, Jawaharlal still remained the supreme commander retaining in his hands the initiative in policy-making. Whether it was the induction of the Sadiq Ministry in Kashmir or the release of Sheikh Abdullah and his associates or even the nebulous efforts to improve relations with Pakistan and China, the initiative and inspiration had always come from Nehru, though the instrument very often happened to be Mr. Lal Bahadur.

When he became Prime Minister Mr. Lal Bahadur was in a position far different from that of Nehru when he took over the reins of office. In the words of the Congress President, after Nehru "no single person looked tall and strong enough to step into his shoes." Therefore emerged what Mr. Mr. Kamaraj had called "a collective leadership of workers, who had imbibed the ideals of those leaders (Gandhiji and Nehru) and who had worked under

their guidance." The collective leadership, strictly speaking, was for the party. But, its composition and the circumstances in which it came into being made it the supreme policy-making body for the entire country. Mr. Lal Bahadur, no doubt, was in it, but as one of the equals.

A couple of months after Mr. Lal Bahadur became Prime Minister, it was thought that he would tend to become more equal than the others in the collective leadership¹ by virtue of the pivotal position he occupied. It was expected that he would form a trio in the Government with the Home Minister, Mr. G. L. Nanda, and the Information and Broadcasting Minister, Mrs. Indira Gandhi, and that the three would together assert themselves against others in the collective leadership. But it did not happen. Instead, Mr. Lal Bahadur pursued policies which had objectively strengthened and maintained in effective power the collective leadership. These currents and cross-currents in the country's political life were not seen at the surface until the Durgapur Congress. Further to blur the picture there were instances of open disagreement between Mr. Atulya Ghosh on one hand and the others in the collective leadership on the other on some basic issues. The Railway Minister, Mr. S. K. Patil, too, differed openly with the others on economic policy. These were interpreted as indications that the collective leadership was cracking and that

1. The distinction between the collective leadership which included both Mr. Lal Bahadur and Mr. Kamaraj and the "Syndicate" should be noted.

it might undergo qualitative as well as quantitative changes. To add to the confusion there were also reports that Mr. Nanda and Mr. Kamaraj were coming together and that the Congress President was thinking of Mr. Nanda as the next choice for Prime Ministership.

The situation crystallised at Durgapur. The Congress session there established beyond doubt that the "Syndicate" —which was narrower in scope than the collective leadership—had come to stay and that there was no possibility of an early change in its composition. It also seemed that the Congress President was veering towards the caucus. In his Presidential address, Mr. Kamaraj sharply brought out the "Syndicate's" thinking on economic policies. He referred to the outlay of Rs. 21,500 crores to Rs. 22,500 crores envisaged for the Fourth Five-Year Plan by the National Development Council and said: "We have carefully to analyse and study the consequences of such a large outlay on the levels of prices in the country." The controversy between what is called physical planning and planning according to resources is not new in India. In 1954-55, when the Second Five-Year Plan was being formulated, a similar debate raged in the country. The question, as now was, whether it would not be more prudent to cut the coat according to the cloth rather than draw an ambitious plan and, in raising resources for it, aggravate the inflation in the economy. Coupled with the argument was the discussion on the merits and demerits of heavy industry in the public sector. The gestation period

in the case of heavy industries being long, the results of investment, which was intensive, would not be felt immediately. As against this, quick-yielding projects proved more attractive in the short run. After a prolonged debate on all these matters the late Prime Minister had decided in favour of physical planning, heavy industry and priority for the public sector. The Bhubaneswar Congress, when it accepted Socialism as the goal of the Congress, endorsed such an approach to planning. There was even talk of nationalisation of banking at Bhubaneswar, which caused a flutter in the commercial dovecots. Against this background came Mr. Kamaraj's blunt warning that raising Rs. 3,000 crores by way of taxes by the Centre and the States during the Fourth Plan period would be "too heavy a commitment."

The vicissitudes which attended the drafting and adoption of the economic policy resolution were equally significant. The first draft prepared by Mr. Nanda stressed the need for a higher rate of growth during the Fourth Plan period—meaning larger investment—but the "Syndicate" did not seem to have approved the idea. That raising Rs. 3,000 crores by way of taxation in the Fourth Plan period would make the Government unpopular in the context of rising prices and continuing shortages and that the next General Election was only two years away weighed with the pragmatists. There were also other minor points of divergence between Mr. Nanda and the "Syndicate". As one commentator put it, Mr. Nanda adopted a self-

critical approach and drew attention to the lapses in the implementation of economic policy. He also dwelt on the failure to live up to what had been decided at Bhubaneswar. This part of the resolution was interpreted by some of the leaders, notably the Food Minister, Mr. C. Subramaniam, and the Finance Minister, Mr. T. T. Krishnamachari, as criticism of their record. Mr. Nanda could never have dreamt of doing it. His relations, both political and personal, with Mr. Krishnamachari were extremely cordial. So there was no question of settling scores with him. Even if Mr. Nanda differed with him at the policy level he would not have brought it in the resolution. In the case of Mr. Subramaniam, there was no scope for policy differences at all. They were very close to each other in economic thinking. In the final draft of the resolution, this section was not only omitted but was also given the appearance of self-justification. The resolution, as it was adopted by the Congress, asserted that positive steps had been taken to implement the Bhubaneswar directives. The resolution also shifted the emphasis from heavy industry to consumer goods industries and from industry to agriculture.

There were also other significant straws in the wind. Mr. Nanda's Forum for Socialist Action usually met at the time of Congress sessions and even if it was not able to influence the thinking of Congressmen, passed resolutions with a radical ring about them. At Durgapur, Mr. Atulya Ghosh, who was the master of ceremonies, saw to it that the

Forum did not meet at all. Unwilling to join issue openly with him, the leaders of the Forum, including Mr. Nanda, called off their convention. The "Syndicate" was also reported to have taken exception to certain remarks by Mrs. Indira Gandhi on the working of the Congress. She had reportedly told some Calcutta newspapermen that not much had been done to implement the Bhubaneswar resolution on Socialism and Democracy. Asked for the reasons, she reportedly said that a small but powerful group of persons, entrenched in the leadership, while voting for the resolution, blocked its faithful implementation. This was the type of criticism which the supporters of Mr. Krishna Menon and Mr. K. D. Malaviya had been voicing against the leadership.

Newspapers and journals run by the so-called Congress Left naturally made much of all this.² But from what I could gather, Mrs. Gandhi did not have any particular leader in mind when she spoke of the general failure of the Congress Governments to carry out policies. The reaction of the "Syndicate" to her criticism seemed to be that Mrs. Gandhi was still politically immature and would realise from experience that with all the goodwill in the world the gulf between practice and precept could not be avoided.

2. The *Patriot* reported from Durgapur on January 4, 1965: "As leaders arrived for the 69th session of the Indian National Congress at Bidhan Chander Nagar, the major topic of discussion was a reported statement by Mrs. Indira Gandhi criticising a group of Congress leaders....The purpose of discussion appears to be to censure Mrs. Indira Gandhi for it".

The resolution on economic policy was moved by Mr. Jagjivan Ram who had aligned himself with Mr. Morarji Desai at the time of the contest for party leadership. Mr. Jagjivan Ram had not yet given up the battle for power but was merely biding his time. He was reported to be still close to Mr. Desai, a fact which got reinforced when it was realised that he had not made any effort to conciliate the "Syndicate". In his speech moving the resolution, Mr. Jagjivan Ram was extremely critical of some of the policies of the Government since Mr. Lal Bahadur took over. He urged effective steps to break monopolies and to ensure a fair distribution of national wealth. According to him, the steps taken so far to implement the Bhubaneswar resolution were not "wholly satisfactory". Mr. Jagjivan Ram's critical tone was explained away by some observers as stealing the thunder of the Government's critics. But it was doubtful if that was the intention of the "Syndicate" in making him sponsor the resolution. The collective leadership, barring Mr. Lal Bahadur but including Mr. Kamaraj, was not directly responsible for the acts of commission and omission of the administration. By using Mr. Jagjivan Ram as a mouth-piece for voicing opinions which it could not have given vent to openly, the "Syndicate" was perhaps trying to kill two birds with one stone. First, it was a reminder to the Prime Minister that the organisation, meaning themselves, had the whiphand over the Government. Secondly, it would convince the party

critics of the Government that the leadership was one with them.

Mr. Morarji Desai's role at the Congress session was equally interesting. In the words of the *Patriot* Special Correspondent, Mr. Desai "surprised members by his criticism of the Fourth Plan memorandum and the trend of economic thinking in recent months. He took almost the same stand as the protagonists of the Bhubaneswar resolution (this is a reference to the small Krishna Menon group) and caused further surprise by lending his support to the measures being taken to unearth black money." Speaking on the foreign policy resolution, Mr. Desai said that India should never join the nuclear race. He asked his partymen to close "once for all" the chapter of the demand for making the bomb.

Thus the alignment which had materialised behind the scenes at Bhubaneswar and came into the open after Nehru's death got reinforced at Durgapur. The stress and strain of working together without an identity of purpose or approach had been tidied over in the interest of political expediency. Mr. Lal Bahadur, who, during the first six months of his Prime Ministership, was most subject to tension natural in such a set-up, seemed to have decided to work with the collective leadership. About the size of the Fourth Plan, for instance, he said he would let the Planning Commission examine it again, though expert opinion had already weighed the pros and cons of an ambitious plan and decided in favour of it. Essentially a man of compromise,

he had apparently sought a half-way house between total independence from those who controlled the organisational wing and complete subservience to them. Mr. Nanda's position, however, seemed to be uncertain. According to his self-appointed supporters on the Left, he was being gradually eliminated. So was Mrs. Gandhi, these observers thought. Mr. Biju Patnaik, who was with the "Syndicate" at Bhubaneswar but later changed sides at the time of Mr. Lal Bahadur's election, seemed to have rejoined the caucus on the basis of a *quid pro quo*. In return for his switch of loyalty, the "Syndicate" would soften the blow against his colleague, Mr. Biren Mitra, and himself in the matter of corruption charges. Mr. Atulya Ghosh who wanted to be recognised as the unquestioned leader of eastern India, won his point not only from the others in the collective leadership but also from Mr. Biju Patnaik and the Bihar Chief Minister, Mr. K. B. Sahay. Mr. Kamaraj and Mr. Sanjiva Reddy remained, as before, the twin souls around whom the rest of the collective leadership would rotate.

The Durgapur Congress also debated heatedly India's nuclear policy. The subject figured prominently in the course of the discussion on the foreign policy resolution. Earlier, at the A.I.C.C. session at Guntur in November and on the floor of Parliament Mr. Lal Bahadur stuck to the decision not to manufacture the atom bomb. There were, roughly speaking, three schools of thought in the Congress. A vocal minority wanted that India should make the

bomb here and now. On the other extreme were the supporters of Mr. V. K. Krishna Menon, also in a minority, who insisted that India should under no circumstances manufacture nuclear weapons. The Prime Minister's position was in between these two extremes. It was that India should not make the bomb, partly because it was unethical for the country of Mahatma Gandhi to go in for means of mass destruction and partly because the costly experiment would lead to proliferation of nuclear weapons, which was harmful to mankind. But, between November 1964, and January 1965 the Prime Minister, under pressure from the protagonists of the bomb, slightly shifted his ground. He introduced an element of ambiguity into the decision not to join the nuclear race by adding that that was India's policy "for the present."³ The official resolution adopted at Durgapur seemed to evade the issue. There was in it no categorical statement that India would never make the bomb. It merely asserted that efforts to utilise nuclear energy for peaceful purposes would be intensified.

Mr. Krishna Menon, speaking at the open session, dwelt on the implied shift in the Prime Minister's stand. A staunch votary of nuclear disarmament,

3. At his press conference in New Delhi on January 20, 1965, the Prime Minister made the position clear. When I asked him whether it meant that the policy would be revised at a later date, Mr. Lal Bahadur replied : "When I say 'for the present' this present is a very long period. It is not going to be a short one. I merely referred to what I said in the Lok Sabha but I cannot say anything as to what might happen in the distant future. So long as we are here, our policy is clear that we do not want the atom bomb to be manufactured in India."

Mr. Krishna Menon said that the Prime Minister's Hindi speech, in its English translation, had said that India would not make the bomb "for the present," which would mean that the policy could be revised later. Since he thought that that was not the policy of the Government, he asked Mr. Lal Bahadur to remove the doubts that had arisen "in the minds of some people." The Prime Minister did not oblige him. While it was true that no Government could lay down policy for all time to come, Mr. Lal Bahadur's second thoughts on the subject were interpreted as a concession to the "Syndicate," members of which were credited with an approach of wait and see rather than an outright and immediate renunciation of the right to make the bomb.

It is apposite here to sum up the debate in the country on to have or not to have the bomb. The Lop Nor explosion by China, it is widely felt, has added a new dimension and extra nuclear weight to China's future importance in world affairs. If so, does India need an atom bomb or a balance of terror to counter China diplomatically? Some think the bomb is not a weapon for use, it is a political force. One school of thought points to strong countries like Japan and West Germany which have had no need for nuclear armaments so far, and which have concentrated on economic growth.

The other school argues : how long can one adopt such postures in the face of conventional military threats to the northern borders? How long, without even the backing of the Afro-Asian world

after the collapse of the Colombo proposals? The Japanese and West German analogies are hardly applicable to India. The Chinese have several possible courses of action on India's borders: another NEFA type of assault, or another Viet Nam or Cambodia in one of the Himalayan kingdoms or a pincer movement with Pakistan cracking the Kashmir walnut.

An Indian atomic capability can serve one or both of two analytically distinct functions: it can be used to *deter* an enemy from attacking, or it can be used to *defend* Indian territory once a ground attack has begun. In the former case, possession of atom bombs may deter either a Chinese land or atomic attack, or a Pakistani land attack. For, deterring a Chinese atomic attack India must have the capacity to ensure that in the Chinese eyes the initiation of an atomic war will cost Peking more than it can gain. Here it is reasonable to expect that only a direct attack on major Chinese cities will serve as a sufficient deterrent. India is at present capable of doing this only with great difficulty. Even assuming the capability of manufacturing say, ten or fifteen megaton 'city busters', they will have to be of a compact enough size to be carried either by the Canberras (which may not have the range to reach crucial urban populations) or the small Boeing 707 fleet, which would have to undergo modifications for such a mission. Either plane will have to slip through an alerted Chinese fighter defence screen in large enough numbers, of the magnitude of five to fifteen.

In other words, for India to be able to deter the Chinese from a major atomic attack, she would have

to become an atomic power of the rank of France, and would have to maintain the deterrent, either by more sophisticated weaponry (intercontinental missiles) or by more numbers.

There are those who feel that India might jump the stage of sub-sonic carriers and begin constructing cheap unsophisticated missiles which could reach major Chinese cities. Undoubtedly this could be done, the knowledge is in the public domain, and the technical problems are not insurmountable, although propulsion and guidance systems might have to be purchased abroad.

There are obvious alternatives to an *Indian* strategic atomic capacity for purposes of deterring a Chinese nuclear attack: a fool-proof treaty with one or more atomic Powers may serve the purpose. If, for example, a joint Indian-British (or U.S., or U.S.S.R. or Japan-Australian - combination) Polaris submarine were delegated to perform such a strategic deterrent role, to be employed only in the case of a major Chinese atomic attack, the same deterrent function would be fulfilled.

But the problem of reliability and control, not to mention political impact, enters here. Yet, if several equally sovereign European countries are satisfied with the idea, the Indian Government might resign itself as well, if the threat of such a Chinese attack were great enough. (Did not Jawaharlal himself agree to some kind of an American air cover when the Chinese seemed to be entering the plains of Assam in 1962?) The advantages of such an arrangement would be that it would not

cripple the economy and could be quickly arranged; its disadvantages in terms of the political problems which would arise were equally obvious.

Among the Opposition groups in Parliament, the feeble-voiced Praja Socialist Party and the Jan Sangh were for India making the bomb while the Communists jumped on the disarmament bandwagon. The Swatantra Party, while ruling out a home-made bomb because the cost would be prohibitive and because the leadership in India lacked the ruthlessness which a potential user of nuclear weapons needed, said India should go in for a nuclear "shield" to be provided, if possible, by both the United States and the Soviet Union but, if necessary, by the U.S. alone.

The Prime Minister rejected out of hand the demand for making the bomb. It was evident that he was being guided by practical considerations also in arriving at this decision. The cost, even if it were only about Rs. 15,00,000 for a ten-ton bomb, as one estimate put it, would be prohibitive for India engaged in an ambitious development programme and simultaneously striving to enlarge and modernise its conventional armed strength. Secondly, India, unlike China, was a signatory to the Moscow Test Ban Treaty. Thirdly, having committed itself, in agreements with the U.S. and Canada, to only peaceful uses of atomic energy, India could not divert plutonium from its nuclear reactors for making a bomb nor could she easily find elsewhere the source material for a nuclear device. Fourthly, even if she manufactured a bomb, lacking in

high-speed aircraft and missiles, India would have to spend a fortune on raising an effective delivery system. Lastly, there was no suitable site in the vast country for testing a bomb. The sparsely populated Andaman islands could be a testing site but their proximity to Indonesia would make it politically vulnerable, especially within the councils of the Asian-African countries.

Having weighed these pros and cons, Mr. Lal Bahadur realistically decided against making the bomb. But like his predecessor before the 1962 Chinese attack, the Prime Minister could not ignore the military implications of the Chinese action. Even if China might not attack India again and even if she would not be tempted to clinch the border dispute by recourse to a nuclear argument, the bomb in the hands of Peking was a potential threat to India. Already, the Asian-African countries were frightened from condemning Peking for practising what she had preached against at Bandung. Secondly, the Indian will to resist China, already impaired by several factors, would be further paralysed by the Chinese nuclear capability.

So, Mr. Lal Bahadur expressed himself in favour of the other nuclear Powers, notably the U.S. and the U.S.S.R., underwriting the protection of countries like India from a possible nuclear attack either by one of them or by China. In effect, it boiled down to the Western Powers, possibly Britain, providing a deterrent to a Chinese threat—a slight and more practical variation of the Swatantra Party's suggestion.

Diversity Without Unity

As one sows so one reaps. But not so with Mr. Lal Bahadur. He has had to reap the harvest of Nehru's sowing. For one without Jawaharlal's advantages, it is proving to be an arduous task. Within a month of his assumption of Prime Ministership Mr. Lal Bahadur Shastri found that the prices of foodgrains had begun to rise all over the country, especially in States where production was short of demand. The system of food zones, initially meant to meet the needs of administration, developed into a rigid arrangement. States had become veritable political entities, looking at the problem from the narrow angle of provincial interest rather than national well-being. Thus it became easier for foodgrains to be imported from abroad than for rice and wheat to be moved from a surplus state to a deficit one.

A variety of factors contributed to the critical situation. First, food production had been either stagnant or declining. Before the 1939-45 war India was depending heavily on rice imports from Burma. The war and its aftermath had cut off this source of supply leaving India largely deficit in rice. Similarly the transfer of the wheat-growing areas of Punjab to Pakistan as a result of partition upset

the relationship between supply and demand in respect of wheat. Added to these came a succession of bad agricultural years. Drought and floods vied with each other in ruining food production.

The inherited distribution system also was faulty. Before the war the age-old supply-demand equation regulated the prices. The trader was bound by it more than by a social conscience or official surveillance. The war had dealt a shattering blow to both the economy and the morals of India. A system of controls, imposed on a tenuous administrative machinery, put a premium on graft and dishonesty. In the urban areas, where rationing was introduced, ghost ration cards abounded more or less with the connivance of the authorities. The villages were left to fend for themselves. The national movement was not awakened to the magnitude and depth of the problem even by the harrowing Bengal famine. The problem was viewed as part of the larger political question of independence from the British, with the result that the economic factors contributing to the maldistribution of food were ignored. Even Jawaharlal Nehru complained that during the Bengal famine in 1943 people died like flies without rising in rebellion against the regime. In other words, it was not realised that the food problem was more serious than a political lever against the government of the day and that its solution required tackling more basic issues within the economy.

Thanks to stagnant or depleted production and faulty distribution, prices began to rise during the war years. The price level in 1945 was two and a

half times higher than that in 1939. Yet, because of the preoccupation of the national leadership with the major political issue of independence, there was no popular struggle against the effects of inflation. The British rulers, too, were indifferent. They might have realised that their days in India were numbered and that they would not have to face the music of peace-time reconstruction. Or the British Government might have felt that inflation might have the appearance of boom in a colonial economy. If the Communists and the Radical Democrats, led by the late Mr. M. N. Roy, demanded and readily obtained wage increases for the organised labour—a microscopic minority in the population—it was to strengthen their own hold on the labour movement and weaken the struggle launched by the Congress for the freedom of the country. There was thus no integrated approach to the problem of production and distribution either on the part of the British Government or by the national leadership, much less by the Communists and others who kept themselves away from the mainstream of the liberation struggle.

The result was that the rulers of free India inherited a difficult situation. In November 1947, within six months of Independence, the price index stood at 302, the base being 1936=100. Prices continued to rise thereafter registering a further increase of over 40 points within four months. The Government was unable to meet the situation because there was no clear economic thinking behind its policies. The Gandhians in the Congress regarded

controls as the root of all evil. The corruption which controls and rationing bred was a greater anathema to them than even the potential disaster of maldistribution of food. Jawaharlal and a few others of his way of thinking realised that controls were essential for the planned development of the economy but they were in a minority. Consequently the Government decided, early in 1948, to abolish all controls on the prices and distribution of food-grains. The decision had Gandhiji's blessing. Instead of improving the situation, decontrol had the opposite effect. Prices continued to rise at the rate of 10 points a month, according to official estimates. But the system of data collection being primitive and confined to urban areas, the actual increase in prices was much more. Realising its mistake the Government reimposed controls within six months. Then the emphasis shifted to import of foodgrains.

During the last 17 years foodgrain prices have been influenced by several factors. These include stagnation in production, a dwindling marketable surplus, growing imports, rise in population, increasing urbanisation, variations in consumer preference, increase in purchasing power and allied monetary factors, stock building and hoarding and speculation and similar trading practices.

The index of rice production was 120.4 in 1956-57. The wholesale price index for rice was then 104. The following year, the production figure fell to 105.7 causing a rise of four points in the price index. Nature was kind in 1958-59 when output went up to 127.6 bringing the price level to 102. But in the

succeeding year a small drop of 1.4 points in production led to a nine-point spurt in the price index. The reasons were obvious. The cultivator had learnt from the bumper year's experience that more output meant a crash in prices. So he developed a tendency to hold on to his produce as much as he could. While the rich farmer could do this on his own, the smaller one was helped in the practice by the trader and the speculator.

The production figure was ten points higher in 1960-61 but the drop in the price level was only four points. There was a further nominal rise in output in the following year but the price index maintained its ascent. When in 1962-63 there was a bad harvest there was a steep rise in prices. The imports constituted a mere two per cent of the indigenous production, thus having little impact on the phenomenon described earlier.

It was a slightly different story in the case of wheat. There was a steady increase in production between 1956-57 and 1960-61. The price level was, therefore, relatively free from fluctuation. Imports also have been on the increase from 2.9 million tonnes in 1957 to 4.4 million tonnes in 1960. But when in 1962-63 there was a poor harvest, the prices began to rise notwithstanding the imports which totalled four million tonnes. The paradox has been that however bleak the harvest and whatever the price, indigenous wheat is preferred to the imported variety. Greater demand naturally affects prices.

More than even production, the marketable surplus determines the price. No detailed figures

of such surpluses are available but broad estimates have been made on the basis of selected markets. These can, at best, indicate trends. The difficulty of assessing these trends has been commented upon by the Foodgrains Enquiry Committee in 1957. The Committee noticed that the decline in market arrivals in 1955-56 and 1956-57, despite good crops, could be due to two factors : (a) the producers consuming more than before; and (b) a tendency for holding grains for a longer period than usual in anticipation of a further rise in prices. The committee also felt that the increased availability of credit and the advances given by commercial banks and traders increased the agriculturist's capacity to hold on to his produce with the consequential effect on market surpluses. This does not, however, explain the sharp and sudden drop in market arrivals from one year to the next. For this, we have to seek explanations in other factors.

Imports were a regular feature of India's food economy even before partition. The creation of Pakistan in 1947 resulted in the loss of surplus wheat and rice-producing areas. Consequently, having regard to the needs of consumption within the country, the level of imports varied between 2.0 and 4.8 million tonnes between 1948 and 1953. In 1954 and 1955, as a result of a bumper crop, the imports dwindled to seven or eight lakh tonnes. Partly to meet the needs of consumption and partly to build up stocks, the imports during 1957 to 1959 varied between 3.2 and 3.9 million tonnes. In 1960, an agreement was reached to import wheat and rice

from the U. S. A. for meeting consumption requirements and also to build up buffer stocks of four million tonnes of wheat and one million tonnes of rice. Since then imports of foodgrains have been substantially on the increase.

The rapid growth of population in India in recent years is a well-known fact. Between 1951 and 1961 there has been a rise of 21.5 per cent and the percentage of rural population to the total has declined from 82.65 to 82.03. It is significant, further, that there has been an increase in the urban population during these ten years to the extent of 17 million and the population of 112 cities in India has registered an increase of nine million i.e. 32 per cent. The largest percentage increases have taken place mainly in the State capitals and the industrial cities. This indicates that not only has there been some *inter se* shift of population between cities but also a shift of population between rural and urban areas. This has affected the pattern of demand for cereals during these years.¹

1. *C. F.*: "Certain data collected by the National Sample Survey show that with the increase in the levels of income, consumption of foodgrains *per capita* has increased substantially in the lower income brackets while remaining fairly stable in the middle income groups. In fact, in a country like India where the vast majority of the people are under-nourished it will be surprising if consumption did not behave in this manner. The per adult availability of food in India amounts only to 2,200 calories as against an estimated 3,000 calories that are required by minimum nutritional standards. Even this average is misleading because there are large sections of the population who hardly get 1,200 to 1,500 calories per adult per diem. With even a small increase in income the first demand of the underfed people is naturally for more foodgrains. An increase in consumption by half the population by one ounce more of cereals *per capita* per day would put up the total requirement by over two million tons."—Foodgrains Enquiry Committee.

In areas of low income, the price of food is an important determining factor in the choice of an article of consumption and original rather than processed material is mainly in demand. A logical corollary to this is the heavy demand for cereals as the predominant constituent of people's diet. Along with this heavy pressure on cereals, account has to be taken of the fact that the income elasticity of demand for foodgrains in the country is high so that a given increase in per capita income brings about a marked increase in the demand for foodgrains. This leads to a changing pattern of consumption also. The pattern involves a change not only from one commodity to another but also from inferior to medium or superior varieties of cereals.

Add to these the tendency to hoard foodgrains. The large price-spread between post-harvest and lean periods, the higher price base on which the season starts and the activities of trade and rich producers encourage this tendency. There is no doubt also that traders promote hoarding among producers and themselves indulge in hoarding in order to push up prices by curtailing market supplies. Normally, curbs on credit should be able to correct partially, if not wholly, this tendency among traders but with the large amount of unaccounted money² in circulation even this weapon has failed. The only corrective in the circumstances can be the removal

2. According to a note prepared by the Home Minister, Mr. G. L. Nanda, the total unaccounted wealth in the country was of the order of Rs. 3,400 crores.

of incentives to hoarding by fixing of maximum prices backed by drastic anti-hoarding measures.

The stresses and strains in the country's food economy, which had begun to be felt from the second half of 1963, have continued during 1964. This is the result of a drop in production of nearly three million tonnes in 1962-63 as compared to 1961-62 and two successive shortfalls in the production of wheat during 1962-63 and 1963-64 to the extent of about one million tonnes each; combined with erratic trends in the production of other cereal crops. Thus, notwithstanding the increase of 4.6 million tonnes in the production of rice in 1963-64 over that of 1962-63 the total cereal production in 1963-64 showed only a marginal improvement over that in 1962-63. Consequently, the supply and price position was not as favourable as in 1961-62 which, besides being a good year itself, was preceded by another good year, 1960-61. On the other hand, the demand for foodgrains has been continuously rising.

The Government took several measures to arrest the rising prices. Import of wheat and rice from abroad was stepped up. Wheat imports had earlier been increased to about four lakh tonnes during the monsoon season and five lakh tonnes during the dry months. In view of the continued heavy demand, the India Supply Mission in Washington asked for further stepping up of the programme of shipment to six lakh tonnes per month from September 1964. At this accelerated rate of imports, the quantity received under PL 480 in 1964 was 5.4 million

tonnes. The pace of clearance of imported food-grains at the ports had also registered an improvement.

The problem of bringing supplies into the market still remained. What Marxists call contradictions of capitalism prevailed in this vital sphere. There was food but it did not reach the market. The prices therefore remained high. The Government released imported wheat but the sophisticated taste for indigenous wheat made millions of consumers clamour for the local variety. Several steps to meet the situation were taken by the Government, including the tightening of regulatory measures on trade, fixation of maximum wholesale and retail prices, restrictions on bank advances against foodgrains and strengthening of the administrative and enforcement machinery in the States.

The Government also set up a Foodgrains Trading Corporation in respect of rice, to start with, to function on strictly commercial lines to purchase, store and sell foodgrains. The Government, however, felt it was not practicable to introduce complete State trading throughout the country. The complete elimination of private trade, statutory rationing in urban areas and controlled distribution in rural areas, and monopoly procurement of foodgrains with its logical concomitant of a ban on movement presupposed an adequate reserve of foodgrains at the State's disposal. Such a reserve had yet to be built up. A full-fledged system of controls also required a machinery of implementation and enforcement which, if assembled, would involve a

considerable diversion of limited administrative resources.

Processing was an important area to which enough attention had not been paid earlier. The rice mills in the country were relatively old fashioned and did not give an adequate outturn. Government therefore placed orders for six new rice mills of a modern type. They would be run in the public sector on a co-operative basis. This was in keeping with the decision taken at the Bhubaneswar Congress that the State should enter in a big way the rice-processing field.

One other factor also emerged. The States had begun to look after their own interests. This was partly because of want of confidence in the capacity of the Central Government to meet their needs in time. Partly, the centrifugal tendencies apparent in the last days of Nehru came to the fore. The zonal system began to be used to hold on to the surplus commodity in a State and look to the Centre to make good the deficit in other commodities.

In its very first month of existence the new Government was caught in the vortex of a deepening food crisis. Prices of wheat, especially, had risen by 40 per cent compared to the previous year's figure. The fixed income group was the direct victim of the price spiral. Within a month of his assuming office, Mr. Lal Bahadur convened a conference of State Food Ministers to review the situation and evolve a national policy to deal with it. Among the decisions of the conference was an important one to do away with restrictions on the movement of

pulses from State to State. Hitherto, States like Rajasthan and Uttar Pradesh, which were surplus in pulses, would not let them be sent to deficit areas in the southern and western parts of the country.

Another important decision of the conference was that supply of rice from surplus States like Andhra Pradesh and Madhya Pradesh to the deficit areas of Madras, Kerala, Maharashtra and Gujarat would be on a Government-to-Government basis, eliminating private trade in inter-State food transactions. Both these decisions were announced by the Food Minister, Mr. C. Subramaniam, on the opening day of the conference. But, two days later, when the State Ministers were dispersing for their respective capitals, it was realised that the earlier decision in favour of Government-to-Government dealings in the matter of inter-State movement of foodgrains had been reversed. It was widely known that the retraction of what was regarded as national policy had been at the instance of the surplus States. The proposal to set up a State Corporation for distribution of foodgrains was similarly put off, notwithstanding official support given to it earlier. This was said to be because of the influence which private trade wielded with the State Governments.

A few months later the State of Kerala found itself unable to meet its rationing commitments because Andhra Pradesh, the supplier, did not keep its word to send foodgrains. During November 1964 there was a violent agitation in Kerala because of non-availability of rice at the ration depots. An

unseemly controversy also developed between the Governor of the State and the Central Government. Strangely enough, the State was then being directly governed by the Governor on behalf of the President of the Union.

It became clear that the States had started asserting their provincial interests to the detriment of the country's interest. Such an attitude on the part of an elected government was understandable but it was sad to see a State Governor being compelled to do so. A centrifugal trend emerged in India's body-politic. During Nehru's lifetime, because of his pre-eminent position in the country and the ruling party, he could ensure that the writ of the Central Government ran all over India. True, the tardy implementation of land reforms in the States was a glaring instance of his limitations in making the States keep pace with his thinking. It is perhaps correct to say that during Nehru's Prime Ministership the State Congress leaders, unable to defy him openly, acquiesced in his decisions, but did not honour them in practice. The States' defiance of the Centre was now more open. The fact that unlike his predecessor Mr. Lal Bahadur owed his position to the Congress leaders in the States evidently contributed a lot to the development of this trend. Hitherto, both power and political patronage flowed from New Delhi to the States; now a reverse process was in operation.

Addressing a meeting of students at Ahmedabad in January 1965, Mr. V. K. Krishna Menon was reported to have said that "every State is behaving

as if it is a separate country.”³ Mr. Menon was dwelling on the difficult food situation in the country and criticising by implication the failure of the Government to evolve and implement a co-ordinated food policy. Apart from the food question, the rise of divisive factors after the death of Nehru was evidently in Mr. Krishna Menon’s mind.

It was not a platitude when Indian leaders talked of unity in diversity. The Indian National Congress and the country’s freedom struggle which it successfully led were marked by this diversity which only accentuated the unity of political purpose. India in those days had a galaxy of leaders, more or less equal in stature. Gandhiji, as the supreme commander of the freedom struggle, was no doubt head and shoulders above all of them, but he did not command obedience from the others merely by virtue of his qualitatively superior leadership. In almost every situation he was able to view a problem from the larger national angle and not from the view of any State or region. Sardar Vallabhbhai Patel, Dr. Rajendra Prasad, Jawaharlal Nehru, Mrs. Sarojini Naidu, Khan Abdul Ghaflar Khan, Maulana Azad and C. Rajagopalachari, who constituted the second rank leadership under Gandhiji, represented a multipatterned elite. They were national personalities, but unlike Gandhiji they could also speak for the regions to which they belonged. Lower down there were leaders like T. Prakasam, Dr. Pattabhi Sitaramayya, K. F. Nari-

man, B. G. Kher, Rafi Ahmed Kidwai, Pandit Pant and Dr. Khan Sahib, who were less known as all-India figures but who were second to none in representing their particular areas. The national leadership was an amalgam of these diverse personalities. Even when Subash Chandra Bose rebelled against Gandhiji, he represented the dissatisfaction of the youth of India with Gandhiji's policies, but not the sectarian sentiments of any region. When the Indian National Congress recognised the principle of linguistic States in a free India and had reorganised the party units on that basis, it was not the triumph of provincialism over nationalism, but the realisation on the part of the entire country that free India could thrive only as a decentralised democracy ensuring simultaneous development of the different parts of the country.

India, which was once rich in leadership, was denuded of it on the morrow of Independence. Partition of the country had robbed it of the guidance of stalwarts like Khan Abdul Ghaffar Khan and Dr. Khan Sahib. The sources of similar leadership from among the Muslims had also dried up. Following the cruel assassination of Gandhiji an epidemic of death stalked the land. One by one the old guard disappeared from the scene. Subash Chandra Bose had already died in a plane crash. Even younger leaders like Rafi Ahmed Kidwai predeceased Nehru. C. Rajagopalachari had drifted away from the mainstream of national politics.

Thus in the last decade of his leadership Jawaharlal was virtually the only leader of India with a

personality cutting across provincial, linguistic and religious diversities. He spoke for India and was accepted by even the sectarian Dravida Munnetra Kazhagam as the representative of the entire country. Within the Congress he could subdue fissiparous tendencies and impose on them a national outlook, though in his last years the State leaders of his own party merely obeyed him in principle. Even so, in an emergency he could ensure uniformity of approach. However, being a democrat and having realised that imposed uniformity would not survive him, Nehru allowed the State leaders freedom of action in spheres of activity which did not clash with national interests. Thus, he did not prevent the State Congress leaders from pursuing their mutual rivalries even to the point of periodical shifts in State leadership. But on vital issues he put his foot down.

Sometimes this had even the unhealthy effect of encouraging in the States men who, while professing verbal loyalty to basic principles, pursued policies with different results within their respective States. Orissa was an instance in point. Nehru openly disliked leaders like Dr. Hare Krushna Mahatab who did not share his egalitarian outlook and flair for forward-looking policies. So, he lent moral support to persons like Mr. Biju Patnaik who perverted Nehru's ideas of socialism and planning at the implementation stage. This explained the paradox of Jawaharlal's championship of Mr. Partap Singh Kairon in Punjab and Mr. Biju Patnaik in Orissa, though among the first acts

of the Shastri Government was to deflate these leaders.

Whatever be the means employed and whatever the compromises involved, Nehru had seen to it that the centrifugal tendencies were at a minimum. In practical terms, the Centre had the whip-hand over the States, not only because it held the purse-strings but also because of its capacity to distribute political patronage. Even at the risk of diluting India's federal constitutional structure Nehru held the States in leash. But, in the last days of his Premiership he started compromising even on principles.

Thus Mr. Lal Bahadur inherited a situation in which the States were tending to assert themselves more and more against the Centre. Added to this was Mr. Kamaraj's innovation of a collective leadership in place of Nehru. This, in effect, meant a caucus of provincial leaders who could dictate to the Centre. The circumstances in which Mr. Lal Bahadur was elected leader of the Congress Parliamentary Party also heightened the Centre's dependence on the States. According to the formula of consensus evolved by Mr. Kamaraj the State leaders, especially those who controlled the party machine in the States, had a greater say in the election of Mr. Lal Bahadur than Members of Parliament. When a Member of Parliament voted for a particular candidate for party leadership, he or she did so out of political conviction or for personal reasons. In other words, it was an express or implied *quid pro quo*. After his election, the leader dealt with the members

directly and *vice versa*. But when a group of provincial satraps exercised that right on behalf of the organisation as well as the M. P.s, the initiative passed into the hands of the caucus. There was, no doubt, a *quid pro quo* in this situation also but the stakes were higher. Against a solitary leader representing the Centre would be ranged a group of people professing to speak for the States.

Further to complicate matters, the Constitution gave the States a veto in certain matters. India being an agricultural country farming occupied an important place in the country's planning. Whether it was abolition of intermediaries on land or redistribution of holdings or increasing food production through intensive cultivation and reclamation of fallow areas, the States were the instruments of the Centre's policies. If they had faithfully implemented the Central directives progress would have been appreciable. But, as it happened, the predilection of the men in power in the States was in a different direction and provided the mosaic pattern of a quilt to these vital policies.

To aggravate the situation Mr. Lal Bahadur started his career as Prime Minister with an acute food crisis on his laden plate. The situation was thus propitious for the States to extract from the Centre commitments about supply of foodgrains without putting their shoulders to the wheel. It was for the Centre to induce the surplus States to share their excess output with their less fortunate neighbours. Even then the promises made to the Centre were tardily fulfilled. While the Centre went on

doling out imported foodgrains at the cost of building up reserves for a really rainy day, the States maintained a water-tight system of restrictions on movement of foodgrains and allowed anti-social elements to reap a rich harvest out of the atmosphere of scarcity. The political repercussions of food scarcity are felt more directly in the concerned State capitals than in New Delhi. So, sensing that short supply of foodgrains had come to stay, the States began to think in terms of their own requirements without taking an overall national view of the situation. In some cases the States even tried to shift the blame for inadequate supplies and their inequitable distribution to the Centre.

In other words, while under Nehru the failure to evolve a national policy was confined to agriculture, after Mr. Lal Bahadur took over it came to the surface in respect of food supply also. This naturally gave the impression of weak-kneed leadership in New Delhi. Mr. Morarji Desai has, on many occasions, spoken of the need for strong and firm leadership at the Centre. In the remarks quoted earlier Mr. Krishna Menon charged the Centre with failure to lay down a uniform policy and make the States fall in line with it. But it is far from fair to conclude that Mr. Lal Bahadur's gentle personality is responsible for the new tendency. As has been noted earlier, it was a phenomenon which showed up in Nehru's time itself. It had even come to the surface in his last days. Whoever had succeeded him would have been confronted with the problem because he would have lacked Nehru's position

in the country. A show of strength would hardly work in such a situation. A relationship would have to be evolved on the basis of give and take and the constituent units of the federation would have to develop a deeper vested interest in national well-being. This was a long drawn-out process which Mr. Lal Bahadur could not be expected to achieve in a matter of months or even years.

In neighbouring Pakistan, the President, Field Marshal Ayub Khan, by no means at the mercy of the electorate, has realised the need to conciliate rather than browbeat into submission the East Pakistanis. That province of Pakistan had received more attention in economic development under Field Marshal Ayub Khan than ever before. Nor has the Pakistan President been able to root out sectarian, even separatist, tendencies in the Eastern Wing. So, the argument that Force would have obviated the situation which now confronts Mr. Lal Bahadur is untenable, especially in a democracy.

The Prime Minister himself answered the criticism that he was not a forceful personality. He told a press conference in New Delhi on January 20, 1965, that bringing about a definite change in the economic condition of the people was more essential than trying to do something flashy, something which might strike the eye. This was not a realisation flowing from his limitations, both as a leader and as a successor to Nehru. It would continue to be the lot of future Prime Ministers of India, at least for a couple of decades to come.

There is no doubt an easier way out of the situation. Since the centre of gravity, politically speaking, has shifted to the States, it is possible for a scheming leader at the Centre to play one group of provincial leaders against another and reap the harvest for himself. If Mr. Lal Bahadur were built that way there was a tailor-made situation in the country for him to exploit. There are in most of the States rival groups of Congressmen competing for ministerial power and control of the party apparatus. In States like Andhra Pradesh, Madras and Kerala, where organised groups do not seem to exist now, they can be easily created. To pit one against the other will not require much ingenuity or effort. In such an atmosphere of competition for power in the States a Central leader can not only ward off threats to his position but also distribute patronage in such a way as to keep the States under his thumb. The supremacy of the Centre can thus be re-established.

But, Mr. Lal Bahadur is not cast in such a mould. He shuns such tactics which will have disastrous effects on the administration and the country's economic development. Moreover, there will be many others who can outplay him in the dangerous game and reduce India to the position of Pakistan between 1948 and 1958. Future historians will note that by avoiding such a short cut to his own political supremacy, Mr. Lal Bahadur is strengthening the foundations laid by Nehru for the political stability of India as a federal democracy. This is a

service to the country which will be remembered when much else is forgotten.

Another instance of reluctance of the States to surrender power to the Centre was provided by the failure of the States, except Punjab, to agree to the transfer of education from the State List to the Concurrent List of the Constitution. The advent of British rule had brought about a change in the pattern of the educational system in India. Before the British period there were the ancient universities of Nalanda and Takshila. During the days of Mughals there were *madrasas*, *muqtabas* and *pathshalas*. After the transfer of power from the East India Company to the British Crown Calcutta University was established as a modern institution for imparting Western type of education. Then came the universities of Madras and Bombay. In those days both the provincial administrations and the set-up at the Centre were directly under the control of the British. Even in 1870 when the then Provincial Governments began to enjoy responsibility in educational matters, the Secretary of State for India in London and his representative in the Indian capital had the final say in the matter. It was a kind of dual control. While new universities, like those of Panjab and Allahabad, were created by Acts of the Central Legislature, the provincial administrations interested themselves directly in matters concerning education.

Education became a purely provincial subject only after the introduction of diarchy under the Montagu-Chelmsford reforms of 1919. The position

was reinforced by the fresh dose of British constitutional reforms which took the shape of the Government of India Act of 1935. Under that dispensation the Central Government was responsible merely for the Federal agencies for research, professional or technical training and promotion of special studies. The Benares Hindu University and the Aligarh Muslim University were, as now, centrally administered. So was the University of Delhi.

The framers of the Indian Constitution tried to strike a balance between provincial autonomy and the interests of higher education. The co-ordination of facilities and determination of standards in the universities as well as the research institutions were made an exclusively Central responsibility. The University Grants Commission, which owes its existence to an Act of Parliament, was conceived as an instrument for discharging this Central responsibility. By that time, the Commission on University Education under the chairmanship of the present President, Dr. S. Radhakrishnan, had gone into the matter thoroughly. The Radhakrishnan Commission felt that the need for a national guarantee of a minimum standard of efficiency in the universities ruled out university education being a purely State subject. The Constituent Assembly, while framing the Constitution, separated higher education from education as such and thought its promotion would be served by vesting certain special responsibilities in the Central Government. Towards this end it authorised Parliament to

declare certain institutions of higher education as of national importance. The Central Government was to be responsible for these institutions as well as for the universities of Aligarh, Benares and Delhi. Secondly, Parliament was invested with power to legislate in respect of institutions for scientific and technical education, provided they were financed wholly or in part by the Centre. Regulation of vocational and technical training of labour was also made a Central responsibility.

The dawn of the nuclear age has given education a new perspective. The close relationship between higher education, on the one hand, and secondary and elementary education on the other hand has been brought home to the administrators and constitutional experts. The accent has shifted to science and technology, involving larger investment in laboratories and sophisticated equipment and requiring specially trained teachers. It was also felt that exchange of teachers even at the higher secondary level was necessary to widen the mental horizon of the students. The requirements of national integration also demanded Central direction of education. While such a realisation was growing among the leadership, the keen competition for seats in schools and colleges was leading the educational system in a different direction. Universities began to keep out students on grounds of language and caste. A trend towards water-tight development of educational institutions on the basis of language, and even caste, to the exclusion of merit was noticeable. Since the State Govern-

ments were responsible for education they were more interested in providing training facilities to students from their respective States, if not the kith and kin of the men in authority, than in raising the standard of teaching and stimulating a national outlook among students and teachers.

The Sapru Committee of parliamentarians viewed this development with alarm. It stressed the close connection and continuity between elementary and secondary stages of education on the one hand and university education on the other. It realised that the Centre, with greater resources than those available to the States, would be able to raise the standard of teaching at the lower levels also. It also recognised that speedier and smoother national integration of the younger generation required a single and uniform educational policy. The Committee, therefore, recommended that education should be a joint responsibility of both the Centre and the States.

This arrangement was perhaps implicit in the minds of the national leadership even when it transferred education to the exclusive charge of the States at the time of the drafting of the Constitution. Otherwise a national leader of the eminence of Maulana Azad would not have been in charge of education—an essentially State subject—in the Central Government. Thereafter, Nehru put Mr. M. C. Chagla, again an eminent personality, in charge of education. Perhaps he had hoped that such weightage in terms of personalities to education in the Central Government would lead to closer

co-ordination and better regulation of educational policies in the country.

If the results of the first 16 years of independence are an indication, Nehru's hopes have not been fulfilled.* The Centre, therefore, now feels that it should have a Constitutional finger in the pie. Such an amendment of the Constitution will not, in effect, circumscribe the autonomy or the powers of the States. Still, there is resistance to such a change. It is difficult to imagine how Nehru would have reacted to this phenomenon. It is also difficult to believe that a show of strength on the part of the Centre will solve the problem. Perhaps, Mr. Lal Bahadur's methods of persuasion will ultimately deliver the goods.

“Kashmiri Muslim”

It is a strange but significant irony that closer integration of Kashmir with the rest of India became possible under the leadership of Mr. Lal Bahadur who, it was alleged, had released the floodgates of separatism in the State. The peculiar circumstances in which Nehru had to give a free hand to successive Prime Ministers¹ of Kashmir provide the background against which the State's political landscape has to be viewed.

Kashmir acceded to India in 1947. But until 1964 it enjoyed a special status. The reason primarily was Nehru's inability to make the State's Prime Ministers—Sheikh Abdullah from 1947 to 1953 and Bakshi Ghulam Mohammed thereafter up to 1963—to fall in line with the other Indian States. There were two schools of thought favouring closer integration of Kashmir with the Centre. Those like the Jan Sangh thought that to retain Kashmir as a predominantly Muslim State on the Indo-Pakistan frontier would be conducive to an ultimate surrender of the territory to Pakistan. They, therefore, advocated a policy of colonisation of the

1. The nomenclature has now been changed by an amendment of the State's constitution. The head of the Government is now called Chief Minister.

sparcely populated Valley with Hindus and Sikhs uprooted from East and West Pakistan. (Non-Kashmiris are precluded from owning landed property in the State). This, they thought, would not only insulate the uneasy border from infiltration but would also create a civilian defence belt all along the cease-fire line. The other school of thought also favouring integration was of the opinion that to continue to bestow on Kashmir a status different from that of the other States was likely to encourage unhealthy tendencies elsewhere in the country. Secondly, the *status quo* has resulted in the Centre depending on a single individual, be he Sheikh Abdullah or Bakshi Ghulam Mohammed, to project India's image to the people of the State. This has not always been a happy relationship. Kashmiris tended to judge the Central Government by the acts of commission and omission of the Prime Minister in Srinagar. An unhealthy rapport based on allotment of Central grants to the State and supply of rice, made available by the Centre at subsidised rates, developed between Kashmir and the rest of India. The larger identity of outlook based on shared ideals of secularism and democracy tended to be clouded. Therefore, closer integration of the State would not only enable Kashmiris to understand better the rest of the country and their fellow-citizens but also strengthen secular tendencies in the rest of India by making them appreciate the distinctive culture of the Kashmiris and understand the special aspirations of the people there.

In December 1963, the hair of Prophet Moham-med, treasured as a sacred relic at the Hazratbal Shrine, near Srinagar, was stolen. Mr. Shamsuddin was the Prime Minister then. He owed his position not only to Bakshi's patronage but also to an ill-concealed desire on the part of Bakshi and his associates to stage a come-back. Following the acceptance of his resignation by Nehru, Bakshi acted in a manner which gave rise to doubts about his sincerity in offering to step down from Prime Ministership. While even Mr. Kamaraj, regarded as indispensable for Madras, quietly walked out of the Government, voices began to be heard in Srinagar that without Bakshi the State could not get on. There were even demonstrations, stage-managed by Bakshi himself according to some sources, against his resignation. To cap it all, Bakshi went back on an assurance he had given to Nehru that he would throw his weight in favour of Mr. G. M. Sadiq's unanimous election as his successor. Instead, he put in that position a loyal nominee of his, Mr. Shamsuddin. He stayed on in the official residence of the Prime Minister, even though he had no position at all in the Government of the State. He continued to enjoy the perquisites which went with official position and had even the constabulary of the State attending on him. He had access to official files and could dictate to Government personnel. In short, he was the *de facto* ruler of Kashmir. In April 1964, nearly six months after he had laid down office I saw at his residence in Srinagar the

secret telephone (secraphone) which only the head of the Government was entitled to.

There are several versions of the theft of the holy relic from the shrine, all of them equally plausible. According to some, Bakshi masterminded it with a view to impressing on Nehru his indispensability for political stability in the State. In support of this theory were the widespread, though peaceful, demonstrations in Srinagar following the loss of the relic. The State Government could not deal with them and the Centre had to intervene. It was said by some observers that for about a week there was virtually no government in Srinagar. In such a situation it would have been easy for Bakshi to tell New Delhi that he alone could tackle the trouble and that his formal return to power was necessary.

Another explanation was that Bakshi wanted to eliminate Mr. Sadiq and his colleagues as potential rivals and wanted to implicate them in the theft of the relic. Both Mr. Sadiq and Syed Mir Qasim are agnostics like Nehru and were dubbed atheists by their political rivals. The other member of the triumvirate, Mr. D. P. Dhar, is a Hindu. If the relic had been discovered in the house of one of them it would have roused the frenzied mob against them and would have led to their elimination from the scene, if not physically, definitely politically. In support of this theory was an affidavit reportedly filed by Bakshi with the police that he suspected Mr. Sadiq and his associates were behind the theft. Embellishing this theory was another report widely

circulated in Srinagar that Bakshi planned to recover the relic and then parade the streets carrying it on his head to win back the popular support he had lost by his record in office.

A third and a very simple explanation was that Bakshi's mother, who was seriously ill, wanted to have a *deedar* (glimpse) of the relic and that Bakshi had it brought out of the shrine for her to see. But before it could be replaced the news of its disappearance leaked out, it was said. But Bakshi's mother died a few weeks earlier and it was improbable that the relic could not have been replaced before the trouble started.

Subsequently the relic was restored and properly identified by different religious heads. A few persons arrested in connection with the theft could not be prosecuted for want of evidence, thus strengthening the suspicion that they were a mere cover for "the real culprits." An enquiry promised into the whole episode was not forthcoming, though the State Government had been serious about it. Whatever be the truth, it was widely believed in Srinagar that Bakshi had a hand in the theft and that the Central Government was not proceeding with the enquiry primarily to save him. Moinuddin Qarra, a leader of the Political Conference, which was openly pro-Pakistan, told me that the Muslims of Kashmir felt extremely grateful to the Central Government for the recovery of the relic. He was all praise for the vigilance and efforts of Central Intelligence officials. He compared the situation to 1947 when Indian troops entered Kashmir to rescue

the people from Pakistani invasion and said that if a plebiscite had been held on the day the relic was recovered Kashmiris would have wholeheartedly opted for India.

According to other observers also, the situation in Kashmir, as far as acceptability of India was concerned, was as favourable at the time of the recovery of the relic as in 1947 when Indian troops fought back the tribal invaders and rescued the people of the State from their depredations. The Central Government had also announced that a thorough enquiry would be held into the loss of the relic and promised to bring the culprits to book. Initially a few arrests had also been made.

I was in Srinagar on April 4 when Mr. Sadiq arrived there for the first time after taking over as Prime Minister. A warm welcome was organised for him by his supporters, many of whom had come to Srinagar from neighbouring villages. But the urban population, especially the younger elements, did not join the reception. By then the State Government had already announced its decision to release Sheikh Abdullah and April 8 had been set as the date for it. Still the supporters of Sheikh Abdullah had a grievance against the regime and the Central Government that "the real culprits" responsible for the theft of the relic had not been brought to book. "Produce the real culprits" was the main slogan of the people demonstrating on that day.

Sheikh Abdullah, after his release, harped, over and over again, on the failure of the authorities to produce "the real culprits". During a 10-day tour

he had undertaken after his release from a special jail in Jammu, the Sheikh repeatedly accused Bakshi of being responsible for the crime and lambasted the Central Government for its failure to prosecute him. I had noticed that during his tour of the Doda and Kishtwar areas of Jammu and in several places in the Valley, his criticism of the reluctance of the Central Government to expose Bakshi went down very well with the people. One of the supporters of Sheikh Abdullal had gone to the extent of suggesting in the course of a chat with me that India should declare Bakshi the real culprit, even if there was no adequate proof for it. He explained that the Centre would thus be able to shift popular anger on to him and his brothers, who were already detested in the Valley. The Centre would rise in the estimation of the people by such "courageous action," he averred.

But obviously the Government could not have embarked on such a course of action. For one thing, it was not very clear that Bakshi had masterminded the theft though circumstantial evidence pointed to him. Secondly, it was possible that the Central Government officials deputed to Srinagar to deal with the situation in the fateful days of late December 1963 and January 1964 might not have all been above reproach in their conduct, though even the worst critics of the Centre had admitted that the Chief of the Central Bureau of Investigation, Mr. B. N. Malik, had conducted himself with remarkable fairness and despatch. Thus, it was not impossible that the Centre thought that reopening the issue

might lead to an unseemly controversy involving some of its officials. Above all, it was easy to destroy a political personality like Bakshi, but difficult to fill the vacuum, as New Delhi realised before the year was out.

Leaving aside the relic theft case which was anyhow not in its hands, the Sadiq Government in the State has been conscientiously reversing the trend towards authoritarianism in Kashmir since practically 1947. Between 1947 and 1953, when Sheikh Abdullah was the Prime Minister, there were allegations of maladministration, corruption and official highhandedness. While it was admitted on all hands that the Sheikh was personally incorruptible, he evidently lacked the will to enforce equal standards of rectitude on his colleagues. As for highhandedness and misuse of power for political ends, the Sheikh himself had said that the 1952 elections in the State, held under his aegis, were rigged. In contrast, Mr. Sadiq and his colleagues can by no stretch of imagination be accused of any kind of corruption. They had, on the other hand, initiated several steps to unearth past corruption, at both political and official levels, and had done away with the system of route permits which was the source of much graft. This consisted of issuing licences to persons for plying trucks between Jammu and Srinagar for transportation of cargo. These licences were issued not to the actual owners and drivers but to persons chosen for political patronage. According to a list of the route permit-holders, disclosed in the Kashmir Assembly, several politicians from outside the State were among the

700 odd persons who had been so favoured by the Bakshi regime. Congress leaders living as far away as Bangalore had obtained the permits, which were sold to the actual owners of trucks at a premium. The Sadiq Government put an end to the practice as soon as it assumed office.

Restrictions on freedom of speech and assembly, which had become a feature of Srinagar for nearly seven years, had been lifted. During the days of Bakshi's Prime Ministership it was hazardous for Opposition parties, including the former Democratic National Conference of Mr. Sadiq and his friends to go about their political activities openly. Hired hoodlums would break up meetings in real Tammany Hall style and beat up the organisers. Even Mr. Asoka Mehta, the present Deputy Chairman of the Planning Commission, was not spared this experience when he attempted to address a public meeting in Srinagar under the auspices of the P. S. P. The Sadiq Government lost no time in doing away with this unhealthy practice. There can be no greater proof of the sincerity with which Mr. Sadiq and his associates had restored civil liberties in the State than the fact that even after Sheikh Abdullah had turned openly hostile to the country of his birth and started consorting with China and Pakistan, the Plebiscite Front was not only not banned but was allowed to function overtly.

The restoration of civil liberties had no doubt helped the pro-Abdullah men initially. It also appeared that in the first flush of enthusiasm after the return of nearly forgotten civil liberties some

persons stretched it to the point of licence. This had given rise to complaints, especially by pro-Bakshi Members of Parliament in New Delhi that the Sadiq Government was undermining India's position in the State. A leading Congress M.P. who later became a Minister said to me that in Bakshi's regime "not a squeak" was heard but now demonstrations had become the order of the day in Srinagar. This was a superficial appraisal of the changed situation. It was true that in Bakshi's time open political activity was not allowed, but as far as the anti-Indian elements were concerned they had merely been driven underground. For instance, seeing a Hindu resident of Srinagar tune in to the so-called Azad Kashmir Radio I asked him why he listened to Pakistani propaganda doled out by "Azad Kashmir" Radio. He replied that everyone in Srinagar listened to the radio partly because of force of habit formed in the Bakshi days when Radio Kashmir (the Srinagar station of All India Radio) reported only the activities of Bakshi. Secondly, he added, the ban enforced in Sheikh Abdullah's time on listening to Pakistani propaganda had become ineffective through disuse during the Bakshi regime.

Bakshi was apparently using the pro-Pakistani elements in the State as a lever to pressurise the Central Government into submission to his whims and caprices. It was said that whenever he had to make the Central leadership acquiesce in his acts of extravagance and personal aggrandisement he gave the pro-Pakistani elements a free hand. He would then plead with the Centre that any direct

or indirect weakening of his authority would give a handle to the anti-Indian elements. Thus, while Bakshi ruled the roast the case for India, democracy and secularism was hopelessly weakened. To most Kashmiris India was no more than the alter ego of Bakshi. From my conversations with Kashmiris in different walks of life, I gathered that the Bakshi regime strove not to save Kashmir for India or for Kashmiris even but for self-preservation and perpetuation of personal rule.

Framing India's Kashmir policy was relatively easy in 1947. India had then taken a principled stand, based on secularism and the right of the people of the princely State to choose their political future. Sheikh Abdullah's own thinking then tallied completely with the larger national approach. Apart from the tribal invasion which Pakistan had launched, that country was going to be a theocratic State. Quaid-e-Azam Jinnah and the Muslim League had also accepted the supremacy of a State ruler over his people in the matter of choosing the people's future. India and the Indian National Congress, on the other hand, stood for the States' people everywhere deciding their destiny. That was how Junagadh and Hyderabad came to be incorporated in the Indian Union.

Beating back Pakistani aggression in Kashmir was only the first step. After military normalcy was restored, there was need for intensive political action in the State to consolidate the rapport achieved between the people of Kashmir—hitherto kept isolated by the Maharaja from the main-

stream of Indian politics—and the rest of their countrymen. But both the Central Government and the ruling party failed to realise that follow-up action was necessary to put into practice the principles governing New Delhi's Kashmir policy. At the organisational level, the Congress did not extend its activities to the State. Nor was any other party allowed to do so. First of all, due to divergence of opinion between Jawaharlal Nehru and Sardar Vallabhbhai Patel on the future of the then Maharaja of Kashmir, Sheikh Abdullah and his associates had to put up with opposition from the Centre in their efforts to transform the administrative set-up in the State. Ultimately when a responsible government was formed in the State, the pro-Maharaja opposition to Sheikh Abdullah's policies, instead of dying down, had gone underground. An agitation developed in Jammu with the blessings of the Maharaja. It seemed that a section of the Central leadership also was in sympathy with it. This was in a way the beginning of the misunderstanding between Sheikh Abdullah and the Central leadership, which contributed so much to the chequered history of the State.

There were also other pin-pricks which added to the distrust already generated between Sheikh Abdullah and the Central leadership. There was, for example, the discharging of Mirpur Muslims from the State army and the discrimination practised against Muslims in recruitment to the services. According to Sheikh Abdullah, Jawaharlal was shocked when he brought these facts to his notice.

The then Defence Minister, Sardar Baldev Singh, also denied knowledge of these measures revealing, in the opinion of Sheikh Abdullah, a deliberate attempt on the part of some bureaucrats to sabotage the Central policy of secularism in the matter of recruitment to the services. Retrospectively, it had been argued that by diluting Nehru's policies towards Kashmir, the others in the Central Government had ensured that checks and balances developed against Sheikh Abdullah's supremacy in the State. Given a sound policy there was no need for such silly safeguards. The failure of Jawaharlal's Kashmir policy lay in the fact that he enunciated the broad outlines and left the details to take care of themselves. He succeeded first in replacing the Maharaja by Sheikh Abdullah and then Sheikh Abdullah by Bakshi. The link between Kashmir and the rest of India was never strengthened.

To read communal motives into these twists and turns in the Centre's Kashmir policy, as Sheikh Abdullah has done, is, however, unfair. For instance, the effort to build up Bakshi Ghulam Mohammed as an alternative leader in the State owed itself largely to Mr. Rafi Ahmed Kidwai, a Muslim by birth and a secularist to his finger-tips.

It is not necessary here to dwell in detail on the unhappy developments culminating in the arrest of the late Dr. Syama Prasad Mookerjee in Kashmir and his death in tragic circumstances. The Jan Sangh and those who thought alike had alleged that Sheikh Abdullah had personally seen to it that Dr. Mookerjee died in Kashmir for having dared to beard

the lion in his own vale. But Sheikh Abdullah had a plausible alibi in the case. First, Bakshi, who was then Home Minister, was handling the matter and, according to the Sheikh, had kept him in the dark until it was too late. The other person who was connected with the incident was the then Minister of Health, Mr. Sham Lal Saraf, who was incidentally, responsible in 1953 for the Sheikh's fall from grace and subsequent arrest. Sheikh Abdullah had invited the then Chief Minister of West Bengal, Dr. B. C. Roy, to go into the tragic incident thoroughly and find out if he was, in any way, responsible for the death of Dr. Mookerjee. Dr. Roy had agreed to do so, but somehow the enquiry had never taken place. Addressing a predominantly Hindu audience in Jammu after his release in April 1964, Sheikh Abdullah recapitulated these developments and offered to face an enquiry even at that late stage.

Whoever might have been responsible, wittingly or otherwise, for Dr. Mookerjee's death, it proved a turning point in the history of Kashmir. The distrust developing between Sheikh Abdullah and the Jammu population, essentially for communal reasons, reached the point of no return. It was alleged that the Sheikh was at heart a communalist out to put the Hindu population at a disadvantage. In the background was the traditional Dogra antipathy for the Sheikh, which made matters worse. In the rest of the country also second thoughts began to be entertained about Sheikh Abdullah. These were partly communal and partly political. A section of the Central leadership, basically com-

munal minded, started thinking in terms of finding an additional string to the bow.

If one is put the straight question whether the Sheikh is a communalist it is difficult to give a categorical answer. Whether Dr. Ho Chi Minh of Vietnam was a Communist or not used to be a topic of heated academic controversy in the 'fifties. But circumstances have now confirmed him to be one. So it is with communalists. A communal attitude to politics is generally a reaction to developments -- not a positive attitude of mind. Hearing Mr. Prakash Vir Shastri and his friends day in and day out in the Lok Sabha, even I, a Hindu by birth, am tempted to become a Muslim communalist! The existence of Pakistan as a communal State on our borders is a permanent provocation to Hindu communalism. If the Indian reaction to Pakistan's doings and sayings is principled and secular, the Muslims in India will not lose their balance. If not they turn communalists. For instance, even when cancelling most of the endorsements on Sheikh Abdullah's passport, Mr. Lal Banadur saw to it that he could fulfil his Haj pilgrimage—which was a remarkably principled reaction to provocation and treachery. But more of this later.

The future of the State, which had been left open, also began to pose a problem by 1953. The Working Committee of the National Conference considered four alternative proposals to determine the State's relationship with the rest of India. These included the Dixon Plan which provided for full autonomy for Kashmir with free access to the

State for both Indians and Pakistanis. It seemed the leadership of the National Conference, including Sheikh Abdullah and Bakshi, favoured such an arrangement. Only Mr. G. M. Sadiq and his associates stood solidly by India rejecting the Dixon Plan as well as other arrangements. But they were in a minority. The Working Committee of the National Conference sent a high-powered delegation, including Bakshi, to New Delhi for discussions with the Central leadership in the light of the majority thinking in the National Conference. That Bakshi had utilised the opportunity to finalise another scheme, that of replacement of the Sheikh by himself, was a different matter.

It was also relatively of minor significance that the Sheikh started speaking in terms of an independent State by this time. His pronouncements like the controversial Ranbirsinghpura speech, provided the much needed grist to the anti-Abdullah elements in New Delhi. Academically speaking, if Sheikh Abdullah had been planning to declare independence, to confront the Central leadership with a *fait accompli*, he would not have given expression to such sentiments as he did in the Ranbirsinghpura speech. At the same time, it could not be denied that some of his associates were thinking along those lines and that in a moment of stress Mr. Abdullah allowed his emotions to get the better of his nationalism. His close associate, Mirza Afzal Beg, was one of those who did not share the Sheikh's attachment to India. Begum Abdullah, who had no moorings in Kashmir, was another.

After sensing the reaction in New Delhi to his outburst the Sheikh retracted. A watered-down version of the speech was issued to the Press by the State Publicity Department, primarily to lull New Delhi into complacency. Sheikh Abdúllah, with all his solicitude for keeping apart the Government and the ruling party, never hesitated to use the administrative machinery for his own political ends. The *Press Trust of India* correspondent in Kashmir, Mr. Rajagopalan, a Tamilian, was made the scapegoat. It was said his limited acquaintance with Urdu had made Mr. Rajagopalan misreport the Sheikh's speech and cause the rumpus. When ultimately the ruse proved ineffective and New Delhi decided to replace Sheikh Abdullah, there was no unanimity among the Central leaders about the way he should be tackled. Nehru, with his known fondness for the Sheikh, merely wanted him to be deposed whereas the more practical-minded Rafi Saheb thought that the Sheikh, left free in the State, would pose a bigger problem. He, therefore, suggested that he should be arrested. The subsequent idea of involving Sheikh Abdullah in a conspiracy case was thought of by Bakshi, who was now more interested in eliminating his political rival than in winning Kashmir for India.

The next 11 years witnessed strange shifts in policies with the basic Bakshi line remaining intact. When the Central leadership suggested Sheikh Abdullah's release to assuage world opinion, Bakshi embarked on the long drawn-out conspiracy case trial which had done much damage to India's repu-

tation as a democratic country. But, according to Bakshi, it was a concession to the Centre which could not stomach the continued detention without trial of Sheikh Abdullah. In other words, an identity developed between Bakshi's own political self-interest and the requirements of India's policy in Kashmir. Only after the exit of Bakshi from power in the State could this vicious circle be broken and a new, even if hazardous, path chosen.

In this context, it is necessary to note that *vis-a-vis* Kashmir Nehru had always behaved in a manner which kept the Centre's initiative at a minimum. During 1948-50, when he allowed Sheikh Abdullah a free hand in Kashmir, it was not because New Delhi was not in a position to have its own way. It was more because of the bonds of friendship between Nehru and Sheikh Abdullah, because of the identity of their approach to the problems facing the State. Later, however, when Bakshi Ghulam Mohammed replaced Sheikh Abdullah, Nehru's style was slightly cramped. Having created Bakshi as an alternative to the popular Sheikh he could not clip his wings and create a similar situation. There was no doubt the danger of Bakshi following in the Sheikh's footsteps and asserting his independence, but Nehru seemed to prefer that danger to the worse prospect of continuing instability in the strategic State. Nehru's experience with Sheikh Abdullah and Bakshi Ghulam Mohammed was on a different footing from that of his relationship with Mr. G. M. Sadiq. Mr. Sadiq not only respected Nehru, but also shared Nehru's secular

and socialist ideals. Mr. Sadiq also had the courage of his convictions to differ even from Nehru.

Unfortunately for both India and Kashmir the consequent period of vacillation was prolonged. By the time Sheikh Abdullah was set free in 1964 Nehru was already nearing his end. He had lost the capacity for a fresh initiative on Kashmir and even if he had forced his colleagues in the Central Government to fall in line with his new thinking he would not have been able to see through the new policy to a happy culmination.

Much water has flowed in the Jhelum since Sheikh Abdullah's release to vitiate the atmosphere which prevailed when he stepped out of the special jail in Jammu on April 8, 1964. For persons like me who laid great store by his secularism the Sheikh had given a rude shock.

On March 31, 1964, I had interviewed the Sheikh in the court-room where the conspiracy case was being tried. I was heartened by his non-communal approach in the context of the frenzy then raging in Pakistan and parts of India. For about a month after his release I kept the Sheikh's company, reporting his tour of the inaccessible areas of Doda, Kishtwar and Bhadarwah. I had then noted that the Sheikh had categorically repudiated the two-nation theory of Pakistan, though between 1948 and 1964 he had evidently revised his ideas about the practicability of secularism in India. Still, the Sheikh conceded that Indian policy, however imperfect from the standpoint of Gandhian secularism, was not the same as Pakistani's plank of religion

being the determining factor in State policy. The Sheikh also showed awareness that the future of the nearly one million Hindus and Sikhs in Kashmir would to say the least be unpredictable, in a Pakistani-type set-up. It was also a fact of history that this emotional kinship of Sheikh Abdullah with the Hindus and Sikhs of the State had all along prevented him from opting for Pakistan. Mr. Moinuddin Qarra, a secular but pro-Pakistani Kashmiri leader, tried to get over this difficulty by recourse to escapism, by saying that Kashmir, after joining Pakistan, would continue to maintain its secular policies and not become a part of Pakistan in the theocratic sense. The Sheikh, being more realistic, realised that joining Pakistan would spell the end of Kashmir's secular outlook.

But soon the Sheikh shattered such dreams. In May 1964, a month after his release and following his talks with Jawaharlal, Sheikh Abdullah wanted to visit Pakistan to establish *rapprochement* with Field-Marshal Ayub Khan. He was then talking of an Indo-Pakistan *rapprochement* as a precondition for the solution of the Kashmir imbroglio to the satisfaction of the Kashmiris. Nehru readily agreed and said he could travel across the border. The Sheikh needed a passport for the purpose. He had applied for one and was promptly provided with the travel document.

A section of opinion in New Delhi had always been distrustful of the Sheikh. This included genuine nationalists who felt that Mr. Abdullah was again taking Nehru for a ride as well as those who

basked in Bakshi Ghulam Mohammed's patronage. There were among these persons some top-notch journalists, politicians belonging to almost all the parties and even a few Cabinet Ministers. They were naturally piqued by the Sheikh's repeated assertion that Kashmir's constitutional accession to the Indian Union was not complete and that he was not an Indian citizen. During a *tete-a-tete* a few of us reporters had with him in those days, Mr. Abdullah explained his position in idealistic terms. His argument was that like Mahatma Gandhi and Khan Abdul Ghaffar Khan he could not mentally reconcile himself to the idea of an India divided into Hindustan and Pakistan. His India was still the pre-partition sub-continent. Hence his reluctance to call himself a citizen of a part of it, namely India.

There was a big snag in the Sheikh's argument. Both Gandhiji and Badshah Khan did undoubtedly dislike partition but when it became a settled fact they had adjusted themselves to it even though their thoughts very often cut across the new artificial boundary between India and Pakistan. Badshah Khan had declared himself a Pakistani. His fight has been for autonomy for the land of Pathans or Pakhtoonistan within Pakistan. Recently when he went abroad for treatment Khan Abdul Ghaffar Khan travelled on a Pakistani passport, after wholeheartedly acknowledging the fact that he was a Pakistani national, though for the last 17 years he had been denied even the limited civil liberties which his countrymen enjoyed.

Even Sheikh Abdullah's own son, Dr. Farooq Abdullah, had no hesitation in calling himself an Indian. But the Sheikh was extremely touchy on the subject. When at a Press conference at the Press Club of India in New Delhi in May 1964 K. Ranga-swamy of *The Hindu* raised the topic of his nationality, Mr. Abdullah flared up. The Central Government did not want to embarrass him and publicise his declaration that he was an Indian national. Still, to satisfy his ego, the Sheikh had in his application for a passport given the nationality of his father and himself as "Kashmiri (First class subject of Jammu and Kashmir State)". He who for idealistic reasons did not like to be a citizen of a truncated India had no qualms in owning the subject ship of a feudal regime which ceased to be long ago and against which he had earlier fought! But New Delhi generously put up with his whimsicality.

The Sheikh said he would meet Badshah Khan in Pakistan. But when Rawalpindi put its foot down he gave up the idea. Mr. K. H. Khurshid, one-time private secretary to Quaid-e-Azam Jinnah and former "President" of the so-called Azad Kashmir Government, became very chummy with the Sheikh during the latter's brief sojourn in Muzaffarabad. Mr. Khurshid had then reportedly warned the Sheikh against having frank discussions inside the bungalow set apart for him because the entire place was "bugged"—as the Americans call it—or fitted with concealed tape-recorders. He was further understood to have told Sheikh Abdullah that some Pakistani intelligence officials had pocketed half of

a large sum of money which Rawalpindi had sanctioned for despatch to Begum Abdullah for carrying on anti-Indian propaganda during the Sheikh's incarceration. The reports added that Mr. Khurshid had also informed the Sheikh that a particular Kashmiri politician who was an absconding accused in the Kashmir Conspiracy Case and who was then in Rawalpindi under an assumed name was an agent of the Pakistan Government.

All this was openly talked about in Rawalpindi in those days. The Press could not naturally publish the reports. But *Nawai Waqt* of Rawalpindi gave hints in support of these rumours. To lend credence to these reports, a few weeks after the Sheikh's Pakistan pilgrimage Mr. Khurshid was unceremoniously dismissed from "Presidentship" of the so-called Azad Kashmir Government. He was not even allowed to go to Muzaffarabad to collect his baggage. Sheikh Abdullah who does not mince words in condemning India's acts of commission and omission never uttered a word of protest against the treatment meted out to Mr. Khurshid.

To add insult to injury, when he applied for re-validation of his passport in November 1964 (it had expired in August) the Sheikh described himself and his father as "Kashmiri Muslims". What a fall for a secularist! The Government of India ignored the provocation and gave him the passport. The reasons were two-fold. First, the ostensible purpose of the Sheikh's intended voyage was pilgrimage to Mecca. Refusal to let him go would detract from the absolute religious freedom which Indians

enjoyed. Pakistan could jail Maulana Maududi and get away with it. But if India did not let a Muslim go on Haj pilgrimage, the entire Islamic world would pounce on New Delhi. This was the logic of the partition which the Quaid-e-Azam had accomplished. Secondly, such a development would unduly encourage anti-secular Hindu elements in the country. So the Sheikh was given as long a rope as he wanted. After all, he is a stalwart!

Even more blatantly communal was Sheikh Abdullah's reaction to the decision of the Indian National Congress to set up a party unit in Kashmir. The Kashmir Chief Minister, Mr. G. M. Sadiq, and his colleagues were responsible for forcing the hands of the Central leadership to take this healthy step. It was evidently a political challenge to both Sheikh Abdullah and Bakshi Ghulam Mohammed. Neither of them took it in that light. While Bakshi pressed into service his vast power-political armoury and sought to topple down the State Government, the Sheikh reacted to it as a communalist. He had asked "Kashmiri Muslims" to boycott at the social level all those who joined the Congress Party. Sufi Mohammed Akbar, a veteran Kashmir leader and acting President of the Plebiscite Front, has given a euphemistic explanation of the social boycott movement. He has called it *Tarki Mualaat*, one of the practices permitted by Islam. According to Sufi Saheb, it is "an expression of protest and grievance. There is no impulse of hate behind this protest...There is on the contrary at work a kind of sentiment of past common bonds. It is our common

experience that often enough a child looks sullen and sulky at its mother; that parents are distressed at the ill-behaviour of their offspring; that brothers and friends cease to be on talking terms with one another. When we probe the distressful expression of these purely innate sentiments, we come to realise that the expression of sulkiness, sullenness is not actuated by hate but by the outraged sentiments of love and compassion."

How I wish I could agree with Sufi Saheb! Personally he might not have any hatred towards his political enemies but could the masses be expected to behave in that manner, especially in the surcharged atmosphere in the entire sub-continent? Secondly, why are the "Kashmiri Muslims" alone asked to practise *Tarki Mawlaat* towards members of the Congress Party and not all the people, irrespective of their religion? Further, why are members of the Congress Party singled out for this treatment and not those of the National Conference about the misdeeds of whose past leaders the Plebiscite Front waxes eloquent? Has the Sheikh abandoned his shining ideal of leading all Kashmiris, including Hindus and Sikhs?

Above all, what will be the result of such a campaign? Communal passions are high all over the sub-continent. Taking advantage of an extremely peaceful and absolutely non-communal upsurge at the time of the theft of the holy relic in Srinagar, Pakistan let loose hell on Hindus, Buddhists and Christians in the Eastern Wing. In the Western Wing there are anyhow very few non-Muslims left

after the post-partition carnage. From East Pakistan about a million non-Muslims crossed over into India during 1964. All this has provided fresh grist to the mills of communal hate in India, which started working overtime. There were tragic incidents in parts of Bihar and Orissa and also Calcutta City. These had caused extreme distress to Nehru in his last days. He had even planned to visit Calcutta and Jamshedpur but his doctors prevented him from doing so. Kashmir was the only silver lining in the dark horizon. Following my interview with the Sheikh in the special jail, Nehru had said in the Lok Sabha that he welcomed Mr. Abdullah's desire to strive for communal harmony not only in Kashmir but in the entire sub-continent. Now the salt itself has lost its savour!

Frustration is evidently responsible for this metamorphosis in the Sheikh. Revisiting Kashmir in August 1964, I was surprised to notice widespread disillusionment with him among the people in Srinagar. By his intemperate pronouncements after the release from jail, he ruined last year's tourist business in the State. With over 70 per cent of the urban population depending on tourism for its livelihood, the people were naturally disgusted with his leadership. Earlier in April the houseboat-owners had joined the rest of Srinagar people in extending a hero's welcome to the Sheikh. The president of the association was cursing the self-same Sheikh in August. It was one thing to shout "Sher-e-Kashmir Zindabad" while he was in jail and go about one's business but another to see him

cosily at home while their own existence became precarious. This was what had happened in Kashmir in 1964.

Secondly, even assuming that the Sheikh could stir up enough trouble in the Valley it was not going to win him his objective. By weakening Kashmir's links with the rest of India he would only be providing Pakistan with a foothold in the beautiful valley. Sheikh Abdullah evidently realises this fact and is apparently reconciled to the prospect. This explains his getting closer to Maulvi Farooq, the Mir Waiz, who is both communal and pro-Pakistani in outlook though in political terms he will be the Sheikh's potential rival. His uncle, the former Mir Waiz, Yusuf Shah, was one before partition.

Another bridge that linked the Sheikh with India is our democratic set-up. Though he was categorical in his condemnation of its perverted application to Kashmir during the Bakshi decade, the Sheikh had then appeared not to have lost hope of democracy thriving in India. He had even admitted that only in an Indian set-up could he have freedom to propagate his non-conformist views. He was also aware that because of the democratic atmosphere in India there were many in this country, who tried to understand his point of view without pronouncing him guilty *ex parte*. Further, as if to remind the Sheikh of the difference between India and Pakistan, the Pakistan Government came down with a heavy hand on all those who shared Sheikh Abdullah's opinions in the Pakistan-occupied part of the territory. Mr. Khurshid, who once

enjoyed the title of "President" of "Azad Kashmir" was bundled out of Muzaffarabad without ceremony. Then there was the fate which has overtaken Chaudhri Ghulam Abbas and Mr. Ibrahim—two former "presidents" of "Azad Kashmir."

At the same time, it has to be conceded that a lasting settlement of the Kashmir issue requires the concurrence of Pakistan. In other words, it is a triangle with Kashmir as the base and India and Pakistan as the sides. This is recognised even in official thinking in India, as shown by the fact of interminable negotiations with Pakistan on Kashmir. Even if the Security Council's resolutions are to be implemented, they require the prior vacation by Pakistan of the territory under its occupation. If, on the other hand, a kind of partition of the State is envisaged it again makes Pakistan a party to it.

Therefore, Sheikh Abdullah said that instead of trying to bargain over Kashmir, India and Pakistan should compose their other differences and approach the Kashmir question in an atmosphere of amity and understanding. He thought that once Kashmir ceased to be a territorial bone of contention between the two countries and there was no possibility of loss of face to either side it was possible for both countries to think in terms of a rational solution. In this context, the Sheikh toyed with the idea of an independent Kashmir—friendly to both India and Pakistan and guaranteed, as far as its territorial integrity was concerned, by both New Delhi and Rawalpindi.

Pakistan has already frowned upon the idea of an independent Kashmir. Both President Ayub Khan and his Foreign Minister, Mr. Z. A. Bhutto, have rejected it in no uncertain terms. In India, on the other hand, the reaction to the proposal has not been so categorical, though officially it is rejected. Several independent public men have thought it worthy of consideration. Mr. C. Rajagopalachari was reported to be in favour of it. So was Vinoba Bhave, reportedly.

But it is not easy to visualise such a consummation. The Congress Party cannot hope to win an election after having amended the Constitution to enable Kashmir to opt out of the Indian Union. There are also many in the Congress Party who are outraged by the very mention of an independent Kashmir. The Communists look askance at the prospect, on the ground that an independent Kashmir may become an American base on the frontier of the Soviet Union. The Jan Sangh will naturally oppose it tooth and nail; the Socialists, for what they are worth, have no unified approach to the question. Even the Swatantra Party, which seems to be in favour of such an arrangement, lacks moral courage to own it.

There is still another school of thought in India. Conceding that Pakistan will have to be a party to a Kashmir settlement, these persons feel it is better to settle it bilaterally with Pakistan than accept Kashmir as a third party to the dispute and endow Sheikh Abdullah with a stature he lacks now. Significantly, even hot-headed opponents of Sheikh

Abdullah like the late Dr. Syama Prasad Mookerjee had thought along these lines. They had once suggested that India should exchange Kashmir for East Pakistan. The present variation of this theme is that India should keep Jammu and Ladakh and surrender the Valley to Pakistan. They say that Pakistan will readily agree to such an arrangement and that India will have its due share of Kashmir without the political problems that now go with it.

Legally speaking, the foregoing suggestions amount to no more than wishful thinking. Possession being nine points of the law, the cease-fire line is more or less the permanent boundary between India and Pakistan. It is as difficult, militarily, for India to regain Muzaffarabad, Mirpur and Poonch districts from Pakistan as it will be for Pakistan to dislodge India from the Valley. As for the former Gilgit Agency area, Pakistan has already integrated it with its Western Wing and India is more or less reconciled to it. Therefore the *status quo* stands unless further Chinese moves in Ladakh bring about a new geopolitical situation.

Meanwhile, following Sheikh Abdullah's intemperate pronouncements, a movement has developed in India for fuller integration of Kashmir with the rest of the country. It took the shape of a non-official Bill in the Lok Sabha for abrogation of Article 370 of the Constitution. Sponsored by Mr. Prakash Vir Shastri, a pro-Hindu Mahasabha Independent member, the Bill reflected a widespread feeling in the country that Article 370 bestowed on Kashmir a special status circumscribing the Central

sway on the State. All Congress members who spoke on the Bill supported it. At one stage it seemed the Government was embarrassed by the Bill. Ultimately, the Home Minister, Mr. Nanda, came forward with a concession that two Articles hitherto inapplicable to Kashmir, namely Articles 356 and 357, would soon be extended to the State as a further step in the process of its fuller integration. As Mr. Nanda viewed it, Article 370, instead of being an obstacle in the way of Kashmir's integration, was actually a "tunnel" through which full integration could be achieved. He pointed out that Article 370 constituted the enabling provision by virtue of which the President could act in respect of Kashmir. He added that besides Article 370 there were several provisions in the Constitution which put Kashmir in a different category from the other States.

Articles 356 and 357 provide for imposition of President's rule on a State in the event of the constitutional machinery breaking down. Mr. Nanda said that by extending these two Articles to the State, the special position which Kashmir hitherto enjoyed, as far as direct administration by the Centre was concerned, was being done away with. It was because of the non-application of these Articles to Kashmir that in 1953 the *Sadr-i-Riyasat* had to dismiss the then Prime Minister, Sheikh Abdullah, and a substitute Government with Bakshi as the head had to be formed. If the remedy provided by these Articles had been available then the Centre could have directly stepped in and taken

over the administration after deposing the Prime Minister and dissolving the State Assembly.

The extension of these Articles to Kashmir has by itself not made much difference constitutionally but the continuing political crises in the State and the possibility of the breakdown of the constitutional machinery have made the step significant. If Bakshi and the Sheikh join hands and dislodge the Sadiq Government, the Centre will not have to fall back upon another stop-gap arrangement as in 1953. Within the State also the step must have had a salutary effect on the warring factions among the pro-Indian elements. Bakshi's supporters must have realised that by torpedoing the Sadiq Government they will not land themselves in power, but will enable the Centre to step in and rule directly.

To Sheikh Abdullah, who was evidently feeling frustrated, the Centre's decision provided an excuse for political activity of an agitational type. He seized it with both hands and started a campaign against the integration of the State with the rest of India. He was earlier at a loss to find an avenue of protest which would keep him politically alive and active, but which would not bring him into a direct clash with the authorities. It was not easy for one who had languished for 11 years in political wilderness to choose to go back to it so soon after his return to public life. If he had challenged the State's accession openly and made it an issue for an agitation he would have fallen foul of the law and landed himself in jail again. If, on the other hand, he had kept quiet waiting for the General Election, due in

1967, he would have lost his political appeal to the people of the Valley. Torn between these two prospects Sheikh Abdullah was evidently looking for a fresh opening which the extension of Articles 356 and 357 to the State seemed to provide. By opposing the extension he did not come directly within the mischief of the law. At the same time, he had the satisfaction of being an Opposition leader.

It is futile to try to foresee future developments in the State. What will happen in 1967 when the State goes to the polls again and when the newly launched Kashmir unit of the Indian National Congress will be pitted against Sheikh Abdullah's Plebiscite Front in the Valley, it is difficult to guess. But even if the worst should happen, the Centre could always take recourse to constitutional provisions, as in Kerala in 1959 when the Communist Government there started exceeding its brief. In short, it is an irony of history that the politics of Kashmir which remained more or less static for a decade under Nehru should again be in the melting pot after Mr. Lal Bahadur had taken over. Mr. Lal Bahadur who is supposed to be lacking in forcefulness, seems to be cut out for historic decisions in respect of the strategic northern border State of India

One Step Forward, Two Steps Backward

The first nine months have earned the Lal Bahadur Government more criticism than kudos. It has been harangued by the Press in a way which would have got Jawaharlal's goat. It has been buffeted by the motley Opposition in and out of season, with and without provocation. It has also been sourly glowered at by international opinion as represented by the American and British newspapers.

The Government's self-assumed crusade against corruption in public life has been one of the principal targets of attack, from right and left. Soon after he became Home Minister following the implementation of the Kamaraj plan, Mr. G. L. Nanda promised to give up office if he failed to root out corruption within two years. Nehru was the Prime Minister then. European, especially British, standards of rectitude are not possible in a developing economy. Speedy growth of a neglected economy being of the essence in a hitherto backward country, both efficiency and ethics get short shrift. This is true of Indonesia, Burma and even the United Arab Republic. The parliamentary democratic set-up in India has been an added impetus to this development. A corrupt official or public man cannot be dealt with

summarily, without going through the cumbersome processes of the law and without political pressure being brought to bear on the matter.

Further, the elevation of self-abnegation to a creed by Gandhiji has led to unhealthy practical results. Men and women who had not hitherto known the pleasures of life or did not have the means to enjoy them suddenly found themselves in the lap of luxury. Even an automobile was considered an extravagance. That speedier, relatively comfortable, movement is essential for persons entrusted with administrative responsibility is overlooked. In the year of grace 1965 Dr. Ram Manohar Lohia prefaces enquiries about a project to manufacture a cheap car with a preamble that he wants the vehicle not for owning but to be run as a taxi. Yet the Socialist leader moves about in cars belonging to his friends.

A young woman Deputy Minister who had a pardonable weakness for the good things of life like cabaret and ball-room dancing recalled to mind Oliver Goldsmith's gibe about the two faces of the fair sex, one for the homely husband and the other for the more fortunate public. She would attend the Secretariat and Parliament in a coarse, home-spun sari and a blouse of adequate length, to borrow the expression used in Government regulations. But at evening parties she would be like the butterfly which emerges from the caterpillar's shell.

The double life went even deeper. Congressmen and women preferred staying in the capital and the other cities so as to be able to indulge in their

innocent pleasures away from the gaze of their stern constituents. The craze for foreign travel also grew, because one could be even less inhibited under an alien sky. Since these indulgences required money, avenues had to be found for extra sources of income.

Corruption was also of another kind. A ridiculously low statutory ceiling on election expenses encouraged surreptitious spending by candidates. He who could spend more won the election. So politicians either collected large sums from businessmen or diverted the resources of the State or the public sector projects towards election campaigns. A former Chief Minister of Orissa, Mr. Biju Patnaik, told me that he had vowed in 1943 to become a businessman and with the money so amassed enter politics in a big way. He explained that Congressmen with means could rid the party of dependence on the monied interests and hustle the progress towards socialism. There was another theory attributed to another Congress leader that if a small percentage of the vast sums earmarked for public sector projects was channelled into the party coffers, it would ensure economic independence of the party.

It is not my intention here to go into validity of the foregoing theories, especially in a political democracy. But the theories seem to have got further perverted in practice. There were charges that Mr. Patnaik and his friends had used the State machinery and the tax-payer's money for building up their businesses. They were also accused of favouring some businessmen in return for financial assistance

to themselves and the party. It was also alleged that Mr. V. K. Krishna Menon as Defence Minister had placed at the disposal of the Orissa Congress in 1961 a large fleet of brand new jeeps which were later acquired by the Government. Whether it was due to the availability of such resources or the loyalty of the Orissa electorate to the Congress, the ruling party won a landslide victory in the mid-term General Election in the State in 1961. This had further raised these leaders in Jawaharlal's estimate.

The charges against Mr. Krishna Menon date back to the days of his High Commissionership in London. The Public Accounts Committee of Parliament had passed severe strictures on his role in what was known as the jeep scandal. There were also allegations against Mr. K. D. Malaviya, the then Oil Minister. But Jawaharlal apparently did not pay much heed to the charges.

Several arguments were advanced in extenuation of the accused leaders. It was said that Mr. Biju Patnaik's meteoric rise as an industrialist had got the goat of other vested interests which were deprived of opportunities to exploit Orissa's rich mineral and other resources. It is not my intention to deny that many other businessmen had an axe to grind in the deflation of Mr. Patnaik. But development of the Orissa economy outside the purview of "the stranglehold of monied interests from Calcutta," but without giving rise to similar interests inside the State, would not have been impossible. The other argument was that the State had made much progress under the leadership of Mr. Patnaik and his

associates. But given the large investment the progress would have been there even if the cause of the corruption charges had been absent.

The defence on behalf of Mr. Krishna Menon was that he had laid the foundation for a State-owned defence production complex. The implication was perhaps that malfeasance was ...the price which the nation had to pay for it. It would be both idle and wrong to deny the positive side of Mr. Krishna Menon's prickly personality. Even more so in the case of Mr. Malaviya. He had painstakingly built up the oil industry almost from scratch. India will remain indebted to him for his yeoman service. But Jawaharlal had to reconcile himself to losing Mr. Malaviya's association with the Government because of the unsavoury overtones of transactions involving a Calcutta businessman Mr. Serajuddin. The foreign oil companies, no doubt, welcomed his exit from the Government and had even worked for it. But to trace all criticism of Mr. Malaviya's dealings with M/s Serajuddin & Co., to the inspiration of the oil companies will be to shut one's eyes to the facts of life.

Mr. Nanda had no intention of entering into all these political complications when he set out to cleanse the Augean stables of public life. His point was that a developing country with a democratic set-up needed a high standard of integrity in its public services and among politicians. Communists generally identify corruption with capitalism. There was undoubtedly much of it in the United States with its diverse lobbies and interference of busi-

ness interests in Statecraft. There is corruption in the Socialist countries also, though of a different kind. The United Kingdom with a mixed economy is a different kettle of fish, with relatively high standards of rectitude. Unfortunately, India seems to have fallen between two stools.

According to Mr. Nanda, "integrity can thrive only if it is promoted all along the line in business, politics and, indeed, in all walks of life."¹ Starting with the sprawling administration, the Government accepted and acted upon most of the recommendations of a parliamentary committee.² A Vigilance Commission was set up at the Centre with a retired High Court judge at its head. Seven of the 16 States of the Union have followed suit and established similar commissions. The Special Police Establishment has geared up its activities and the percentage of convictions for acts of administrative impropriety and corruption went up to 82 in 1964. At the non-official level the Sadachar Samiti was launched to receive charges from the public and process them. But it had become the object of ridicule from many sides. Mr. Atulya Ghosh and Mr. Biju Patnaik who, among others, did not see eye to eye with Mr. Nanda on the subject, launched a tirade against it. Newspapers and Opposition politicians who clamoured for action against political corruption smothered the Samiti with ridicule. The charge was that while Mr. Nanda engaged himself in punish-

1. Broadcast to the nation in March, 1965.

2. See appendix for a summary of the Santanam Committee recommendations.

ing petty officials for minor indiscretions, the big fish, especially among politicians, got away. But the fault was not Mr. Nanda's. He simply lacked the sanction to deal sternly with politicians, especially within his own party. So he thought if an atmosphere favourable to public integrity was created it would have its impact on the politicians. It must also be conceded that there are now no charges against any of his present ministerial colleagues. When charges were made against Mrs. Tarkeswari Sinha, a Deputy Minister, she was persuaded to stay out of the Government until they had been gone into. Even after she was reportedly cleared, she had not been taken back into the Government. Mr. Nanda took a firm line in the matter at the risk of much odium in the party.

At the time Mr. Nanda started his crusade against corruption, the case of the late Mr. Partap Singh Kairon was front-page news. The critics of the former Chief Minister of Punjab approached the President with a memorial. They said they had no faith in Nehru's impartiality in the matter and urged a judicial enquiry into the charges levelled by them against the late Mr. Kairon. It was widely known that Dr. Radhakrishnan had advised Jawaharlal to institute a judicial enquiry into the charges against the late Mr. Kairon.

The Prime Minister sulked and procrastinated but ultimately gave in. The Prime Minister's Note to the President recommending a judicial enquiry was a remarkable document.³ A similar statement by

3. See Appendix.

Mr. Lal Bahadur on the disposal of the charges against the Chief Ministers of Bihar and Mysore and some leaders of Orissa was like cheese to the chalk of Jawaharlal's Note. Nehru had concluded that there was no *prima facie* case against the late Mr. Kairon and that he would not advise the Chief Minister to step down during the enquiry. He had used the occasion to place on record his appreciation of the late Mr. Kairon's dynamic leadership and his services to the people of Punjab. The Opposition leaders submitted their memorial to the President on July 13, 1963. Nehru acted on it on October 25, 1963, full ninety days after.

The one-man commission of inquiry to go into the charges against the late Mr. Kairon was set up on November 1, 1963. It consisted of Mr. Sudhi Ranjan Das, a former Chief Justice of India. Its findings were made public on June 11, 1964, three days after Mr. Lal Bahadur was sworn in as Prime Minister. It was contended on behalf of the late Mr. Kairon that the commission had no jurisdiction to give a finding on "the misdeeds or any other wrongful act or conduct of his sons or any other person," especially "if any of those acts is unconnected with S. Partap Singh Kairon."⁴ The commission was constituted only to go into the specific acts of corruption alleged against the former Chief Minister, it was argued. It was further said that to prove the charge of corruption it had to be established, on legal

4. *Das Commission Report*, p. 33.

evidence, that the accused person had acted corruptly and that he had done so with a view to gaining pecuniary advantage for himself.

The commission, at the outset, turned down both the contentions. It declared that all the charges enumerated in the memorial to the President "must be treated as charges against S. Partap Singh Kairon".⁵ "Whether in any given case the evidence before the commission established the existence of the necessary nexus or *vinculum juris* between the act or conduct complained of and S. Partap Singh Kairon is an entirely different matter and will depend on a consideration of the facts and the probabilities of the surrounding circumstances," it said. Rejecting the second contention of the late Mr. Kairon's counsel, the commission pointed out that the memorial to the President was "not an indictment framed by the court in a criminal trial" but "a catalogue of the grievances of the memorialists."

Giving its findings, the commission categorically declared that the several charges "thus brought home to the Chief Minister cannot but be regarded as unbecoming of a person holding the high and responsible office of Chief Minister of a State."⁶ It is apposite here to quote a lengthy paragraph from the commission's report. It read: "The commission is free to concede that a father cannot legally or morally prevent his sons from carrying on business but the exploitation of the influence of the

5. *Op. Cit.*, p. 35.

6. *Op. Cit.*, p. 278.

father who happens to be the Chief Minister of the State cannot be permitted to be made a business of. Such exploitation cannot possibly be a legitimate business and the father's influence and powers cannot be permitted to be traded in. In the delicate situation in which S. Partap Singh Kairon, holding such exalted high office, was placed as a result of the activities of his sons and relatives and Government officials, even assuming he personally had not lent a helping hand in relation to them, the least he could do was to give a stern warning, in private and if necessary publicly, to his sons, relatives, colleagues and subordinate officers against their alleged conduct even if such conduct had not been proved to be true. There is no getting away from the fact that S. Partap Singh Kairon knew or had more than ample reason to think or suspect that his sons and relatives were allegedly exploiting his influence and powers. But as his own affidavit shows, he made no enquiry, gave no warning to anybody and took no step whatever to prevent its recurrence but let things drift in the way they had been going, assuming he had no hand in it. In the premises he cannot now be heard to say that he had no knowledge of any wrongful conduct on the part of his sons, or relatives, or the officers under him. The allegations stared at him in the face; he paid no heed to them. He cannot now plead ignorance of facts. In view of his inaction in the face of the circumstances hereinbefore alluded to he must be held to have connived at the doings of his sons and relations, his colleagues and the Government offi-

cers. This is the true position, as the commission apprehends it. It will be for the authorities to consider and decide what consequences follow from such connivance.”⁷

The authorities promptly acted in the matter. On receiving the report, Mr. Lal Bahadur advised the late Mr. Kairon to resign as Chief Minister. Following the precedent set by Nehru when in June 1963 he declined to publish the findings of Mr. Justice S. K. Das into the charges against Mr. K. D. Malaviya, it was first decided not to make the Das Commission report public. But the late Mr. Kairon and his mentors forced the Prime Minister's hands. Apparently in a bid to wage a last-ditch political battle, the late Mr. Kairon declined to step down. So the Centre had to publish the report and force him to quit. Two undesirable developments followed. Even before he was cruelly murdered in cold blood in February 1965, the late Mr. Kairon was politically finished by the publication of the report. This was far from Mr. Lal Bahadur's intention. Secondly, the Congress Party in Punjab having been wholly identified with the late Mr. Kairon, finding a successor for him and rehabilitating the party in the State proved problems both for the Prime Minister and the Congress President.

It was widely believed in June 1964 that after Punjab, Orissa was on the agenda for similar treatment. It was not because Mr. Biju Patnaik had, like the late Mr. Kairon, supported Mr. Morarji

7. *Op. Cit.*, p. 284.

Desai against Mr. Lal Bahadur at the time of the election of Nehru's successor. It was because of a widespread feeling that what was sauce for the late Mr. Kairon was also sauce for Mr. Patnaik. The similarities between the two cases were striking. If the charges against the former Punjab Chief Minister flowed from alleged acts of commission and omission of his sons, the former Chief Minister of Orissa and his successor, Mr. Biren Mitra, were accused of helping their wives amass wealth by doing business with the Government headed by them. The charges were pressed by the non-Communist Opposition groups, as in Punjab. Nehru had not paid heed to them as in the case of the late Mr. Kairon because he thought both were dynamic personalities. Above all, like the late Mr. Kairon in Punjab, Mr. Patnaik in Orissa had the organisational and legislature wings of the ruling party under his control.

Within a month of the publication of the Das Commission report, I was in Orissa, commissioned by *The Indian Express* to weigh the charges against Mr. Patnaik and Mr. Mitra and give my report. Four articles written by me following three weeks of study in Orissa and Calcutta were published by *The Indian Express* in July 1964. Mr. Biju Patnaik has since filed a civil suit claiming compensation for alleged defamation and some parts of the articles are, therefore, *sub judice*.

Later, in August 1964, a memorial signed by the Leader of the Opposition in the Orissa Assembly, Mr. Rajindra Narain Singh Deo, and 62 others was

submitted to the President. It contained several allegations against Mr. Patnaik, Mr. Mitra, Mr. Sadasiv Tripathy, the present Chief Minister of Orissa, and some others. The Government first considered the feasibility of a judicial enquiry into the charges pending the disposal of Mr. Patnaik's defamation suit. Expert legal opinion was of the view that the suit was no bar to such an enquiry for, otherwise, persons so charged could stall an enquiry by the simple expedient of going to the court on an allied matter. Meanwhile, Mr. Nanda asked the Central Bureau of Investigation to make a preliminary inquiry into the charges. Officials of the C.B.I. visited Orissa to collect data. Their findings together with the explanations offered by Mr. Patnaik and others were placed before a Cabinet sub-committee headed by the Home Minister. The Education Minister, Mr. M. C. Chagla, the Law Minister, Mr. Asoke Sen, and the Finance Minister, Mr. T. T. Krishnamachari, were among the other members of the sub-committee. On the basis of the recommendations of the sub-committee, Mr. Lal Bahadur announced in Parliament on February 22, 1965, that "in several transactions improprieties were definitely involved for which responsibility had to be borne by Shri Patnaik and Shri Mitra."⁸ He added that the committee felt that normal standards of public conduct had not been maintained. He, however, said there was no proof that Mr. Patnaik and Mr. Mitra "had personally derived

any pecuniary benefit from the various transactions in which they were concerned." He also announced that Mr. Patnaik and Mr. Mitra had accepted his advice and stepped down from their respective positions of Chairman, State Planning Board, and Chief Minister. Mr. Lal Bahadur also disclosed the disposal of similar charges against the Chief Ministers of Bihar and Mysore.

While the sub-committee was examining the Orissa case, Mr. Patnaik and his friends raised a rumpus about the use of the Central Bureau of Investigation to go into charges against highly placed Congress leaders. Mr. Atulya Ghosh, Mr. Patnaik and other "prominent Congressmen of the eastern region" met at Ranchi in Bihar in November 1964 in what was described as a "little A.I.C.C. (All-India Congress Committee)." They protested against "the manner in which allegations of corruption against Chief Ministers and ministers were being entertained by the High Command." Communications on these lines were later sent to the Congress President, the Prime Minister and the Home Minister. Speeches highly critical of Mr. Nanda and his anti-corruption drive were made, among others, by Mr. Patnaik. It was alleged that some leading Congressmen were being subjected to "harassment and character assassination" on the basis of "frivolous charges" levelled against them by their political opponents.⁹

The High Command was reported to have reacted to the Ranchi decisions with "cold disapproval."¹⁰ But, instead of a stout defence of the Home Minister's courageous action a lame justification was offered by Congress High Command sources. It was said that Mr. Patnaik had himself suggested that the C.B.I. might inquire into the charges against him. Mr. Atulya Ghosh and Mr. Patnaik had thrown the Prime Minister on the defensive by raising the bogey of retribution for Mr. Patnaik's opposition to Mr. Lal Bahadur's election as Prime Minister. A whispering campaign was let loose that, if the Home Minister was allowed to use the police apparatus for investigation of charges against politicians, old scores would come to be settled and a veritable inquisition held against political opponents.

Already Mr. Lal Bahadur's style was cramped by the need, reportedly impressed on him by Mr. Kamaraj, for preserving the position of the Congress Party in the State. Secondly, as in the case of the late Mr. Kairon in the early stages, the Prime Minister did not like Mr. Patnaik and Mr. Mitra to be "destroyed." He had advised them to quit their positions hoping that if they lay low for some years they could live down the unsavoury episode and stage a come-back. At one stage, Mr. Mitra was willing to abide by the Prime Minister's advice. But Mr. Patnaik dissuaded him from doing so. He had reportedly wanted himself to

be exonerated so that he could take over the Chief Ministership from Mr. Mitra. Otherwise, he would put one of his proteges as Chief Minister and himself continue as *de facto* ruler. He would not countenance the Prime Minister's suggestion of a respected and non-controversial personality like Mr. Radhanath Rath, editor of *Samaj* and a former Minister, heading the Government and restoring the image of the party in the eyes of the people.

Mr. Patnaik's tactics compelled the Central leadership to proceed with the inquiry. Then Mr. Patnaik threatened to make an issue of the inquiry at the meetings of the A.I.C.C. and the Working Committee. He told journalists in New Delhi that his nominating a protege to succeed Mr. Mitra as Chief Minister was on all fours with Mr. Kamaraj making Mr. M. Bhaktavatsalam his successor in Madras and Mr. Sanjiva Reddy ensuring the election of Mr. Brahmananda Reddy as party leader in Andhra Pradesh. Baulked, Mr. Lal Bahadur ultimately let him have his way provided he and Mr. Mitra stepped down. It was like Nehru putting up with Mr. Shamsuddin's election as Bakshi's successor in Kashmir.

It was widely believed that the President had advised Mr. Lal Bahadur to go in for a judicial enquiry into the Orissa charges even at the last stage and not be content with a political palliative. His apprehension apparently was that Mr. Patnaik would sooner or later confront the Centre with a *fait accompli* and have his way. With the approach of the General Election the Central leadership would

have to depend on him not only for retaining power in Orissa but also for funds for some other State Congress organisations. Then he would dictate terms. Ultimately, weighing the pros and cons of the matter, the Prime Minister put his party's interests above the objective of a clean public life and let Mr. Patnaik and Mr. Mitra off with a mild rebuke and a temporary loss of office. Offsetting this was Mr. Atulya Ghosh's glowing testimonial to Mr. Mitra. According to Mr. Ghosh, Mr. Mitra was "the first victim of character assassination which has not only injured the administration of Orissa but has also impaired the prestige of the Congress organisation due to no fault of yours."¹¹ (Mr. Mitra's.)

This was interpreted as a glaring instance of Mr. Atulya Ghosh drifting away from the "Syndicate". Or, in the alternative, Mr. Nanda and through him Mr. Lal Bahadur were getting isolated

11. The *Amrit Bazar Patrika*, of February 22, 1965, published the following letter from Mr. Ghosh to Mr. Mitra :

My dear Biren,

I am glad that Sadasiba Babu has been elected and I am confident that you will be lending all support and co-operation to him and you will remain by his side to help him discharge his responsibilities in a befitting manner.

Please allow me to convey to you my sincerest good wishes and appreciation of your selfless devotion and services for the cause of the Congress and administration in Orissa.

In 1952 General Election, while in all other States, the Congress could secure majority, our results in Orissa were unsatisfactory. In 1957 General Election, the results were worse. In 1961 mid-term Election, due to your untiring efforts and hard work along with the full co-operation of your workers, the Congress was able to secure comfortable majority to form a stable Government in Orissa.

This was really very heartening for all of us and credit should

from the collective leadership. The argument ran as follows : Since Mr. Atulya Ghosh had disapproved of the procedure adopted in the case of the Orissa charges, his thinking was definitely at variance with that of Mr. Nanda. If Mr. Kamaraj, Mr. Sanjiva Reddy and Mr. S. K. Patil shared Mr. Nanda's views, it would mean that Mr. Ghosh was out of tune with the "Syndicate" on this vital point. If, on the other hand, they sided with Mr. Ghosh and disliked Mr. Nanda's action, which eventually had the Prime Minister's blessings, it would mean that the Prime Minister and the other members of the collective leadership were not pulling together in

go to you and your co-workers for the unique success of the Congress in the mid-term election.

After the formation of the Ministry in 1961, the new Government began working with new vision and energy and we had great hopes that Orissa will be able to give effect to such plans and projects which will ultimately help the Government to remove poverty from that State. Unfortunately, things went a different way and I may tell you that you are the first victim of character assassination which has not only injured the administration of Orissa but has also impaired the prestige of the Congress organisation due to no fault of yours.

I know you for so many years and I have unflinching faith and confidence in your integrity, loyalty and character. I am confident that the setback to the Congress organisation in Orissa in general and to you personally will not be able to diminish unstinted love and loyalty you have for the great nation and the organisation to which you and I belong.

Kindly convey my feelings of extreme pain and distress for the whole episode to our co-workers of Orissa and assure them of my whole-hearted co-operation and service for the Congress organisation and Congress workers in Orissa for all time to come.

With my affection and love and respect.

Yours affectionately.

Sd/- Atulya Ghosh.

this case. Mr. Patil and his colleague in the Railway Ministry, Dr. Ram Subhag Singh, have also openly objected to the C. B. I. inquiry into the Orissa charges.

The Opposition criticism of Mr. Lal Bahadur's action was that it was motivated by party considerations. They demanded a judicial enquiry on the basis of the C.B.I. findings. Mr. H. V. Kamath (P.S. P.) had placed on the table of the Lok Sabha what were purported to be summaries of the C.B.I. report and the Cabinet sub-committee's recommendations.¹¹ The Speaker let him do so on his certifying that to the best of his knowledge they were copies of the genuine documents. But the Treasury Benches would not "touch them with a barge pole," to quote Mr. M. C. Chagla. The Government neither confirmed nor denied their authenticity. Mr. Chagla's defence of the Prime Minister's action was that it had ensured expeditious disposal of the case whereas a judicial enquiry would have dragged on. Secondly, even a judicial enquiry would not automatically lead to the prosecution of the guilty unless the concerned State Government moved in the matter. A pending special audit and Mr. Patnaik's defamation suit would provide further opportunities for a thorough vetting of the charges.

In the case of Bakshi also, the Central leadership was reluctant to carry to the logical conclusion the process set in motion in February 1964. The growing truculence of Sheikh Abdullah and the need for

11. See Appendix.

Bakshi and Mr. G. M. Sadiq closing their ranks were adduced as reasons for the half-hearted drive against political corruption in the State. But the Kashmir Government stuck to its guns and has set in motion a judicial enquiry into the serious charges against Bakshi.

There are a couple of more dimensions to the phenomenon of political corruption. Notwithstanding his disagreement with Nehru on many matters, Mr. Morarji Desai shares Jawaharlal's admiration for both the late Mr. Kairon and Mr. Patnaik. He is also close to Bakshi. He does not mince words in praising their dynamism. The Congress "Left," including Mr. Krishna Menon, also has a soft corner for persons charged with corruption. It is a significant coincidence that Bakshi, the late Mr. Kairon and Mr. Patnaik, among others, should have invested large sums of money in a New Delhi newspaper which had campaigned against Mr. Lal Bahadur's election as party leader. This susceptibility of the so-called Left in the Congress to allegations of corruption is perhaps a phenomenon which sociologists should probe.

Probing in Kutch

This narrative was to end with a summing up of nine months of Mr. Lal Bahadur's prime minister-ship. Even a near-war situation following a Pakistani thrust into the Rann of Kutch in April 1965 did not make me change my mind. But in September, as I pored over proofs of the book on black-out nights, I realised that no chronicle of these days could be complete without a description of the new chapter in India's history, without projecting the new image of India.

The new chapter really began in April 1965 in the Rann of Kutch. The Rann is a 9,000-square mile area along the north and east of the Kutch district of the western Indian State of Gujarat. "Rann" in Gujarati means desert which this region mainly is. Another theory is that the term "rann" originated from the Sanskrit word "rina," meaning salt-waste. One explanation of the origin of the Rann is that it was the delta region of the Indus river before it changed its course. Over a period of time it turned into a desert which becomes sea half the year. Following an earthquake in 1819, the western portion of the Rann sank more than twelve feet into the sea. In the south-east, the Great Rann narrows into a neck, turns inward and then

spreads out into the Little Rann which drains into the Gulf of Kutch.

Greeks, Scythians, Parthians, Arabs and the Rajputs ruled over this territory, not to mention the Gupta dynasty. In the nineteenth century the British defeated the Maharao of Kutch and extracted an annual tribute from him. Later, as British hegemony over India became complete and unquestioned, Kutch was ruled in the name of the princely States of Western India by a nominee of the British Crown. After Independence it became a district of Gujarat.

Before the partition of India in 1947, Sind was part of what was called British India and Kutch a princely State. The northern edge of the Rann of Kutch formed the boundary between the two. Official maps and documents published by the British Indian Government between 1872 and 1943 depicted the boundary as well established, a dispute which arose in 1908 having been settled finally and amicably. The dispute between the Province of Sind and the ruler of Kutch was about the boundary in the western portion. The settlement was formalised in a resolution of the Government of Bombay, which was later approved by the then Government of India. Pursuant to this resolution, demarcation of the boundary on the ground by the emplacement of pillars was undertaken with the full knowledge of the Commissioner of Sind, the ruler of Kutch and the British Government as the Paramount Power. It extended to the trijunction of Karachi and Hyderabad districts of Pakistan

and the northern limits of the Rann, a distance of about 48 miles.

In 1956, the Prime Ministers of India and Pakistan had agreed to entrust the demarcation of the entire India-West Pakistan boundary to the Surveys of India and Pakistan as a matter of highest priority. Accordingly, the border between West Pakistan on the one hand and the Indian States of Punjab and Rajasthan on the other was demarcated. But as far as the frontier between the Sind region of West Pakistan and Gujarat was concerned, Pakistan was in no mood to clinch the issue.

The reason apparently was a Pakistani desire to annex the northern half of the territory. In 1956 Pakistan tried unsuccessfully to occupy the area. Pakistani troops intruded into the Rann and dug themselves in. India promptly despatched troops and scotched the move. This was followed by an exchange of protest Notes in the course of which Pakistan tried to stake its claim to a raised area of the Rann known as Chhad Bet. India rejected the claim and insisted that only the boundary remained to be demarcated, without any territorial dispute involved in it.

Border disputes between a country and another carved out of it are understandable. Secondly, the Radcliffe Award about the disposition of territories in dispute, both in the east and the west, came to be differently interpreted by India and Pakistan. The result was a crop of boundary disputes. There was a series of meetings between

officials and ministers of the two countries to thrash these out. One such meeting at ministerial level, held in October, 1959, yielded quite a measure of agreement on the demarcation of a part of the border between East Bengal and India. Following this, there was another such meeting between Lt.-Gen. K. M. Shaikh, who a minister in Field Marshal Ayub Khan's martial law cabinet and who is now Pakistan's Ambassador to Japan, and Mr. Swaran Singh who was Minister for Steel, Mines and Fuel. Gen. Shaikh, an emotional Punjabi, had never made a secret of his conviction that Indo-Pakistani differences should be ironed out during the lifetime of the present generation which was born before the partition of the subcontinent. During an extremely friendly chat I had with him in Rawalpindi in 1961, he said the younger men and women without any moorings in the historical and cultural ties between India and Pakistan would never be able to clinch the issues bedevilling the relations between the two countries. As though to prove Gen. Shaikh's thesis, Pakistan's present Foreign Minister, Mr. Z. A. Bhutto, brings to bear on India-Pakistan problems an approach entirely distinct from that of the older leaders.

Mr. Swaran Singh and Gen. Shaikh were able to iron out the border disputes on a basis of give and take. There were in all five areas of dispute in the western region, viz., (1) Chak Ladheke, (2) Theh Sarja Marja, (3) Hussainiwala, (4) Suleimanki headworks and (5) Kutch-Sind boundary. Pakistan gave up its claim to Chak Ladheke in return for an

Indian surrender of title to three villages called Theh Sarja Marja, Rakh Hardit Singh and Pathnke. The boundary between Lahore district in Pakistan and Ferozepore district in India was accepted as the international boundary, thus disposing of the dispute about the Hussainiwala headworks. Similarly, there was accord about the Suleimanki headworks.

As for the Kutch-Sind border, it was agreed that both sides would collect "further data" and that there would be more meetings to thrash out the problem. This was in January 1960. The joint communique issued at the end of the talks had envisaged demarcation of the Sind-Kutch boundary by October 15 that year. But even in 1963 when the boundary between West Pakistan on the one hand and Punjab and Rajasthan on the other was agreed upon there was no accord on the Kutch-Sind frontier.

The Rann was relatively forgotten between 1960 and 1965. It occurred periodically in official records as the area in which the international boundary remained to be fully demarcated. Indian survey officials dated their Pakistani counterparts off and on for completing the unfinished task but the latter were not too enthusiastic about it. The only regular visitors to the marshy desert were the Indian police patrols who trekked to the border twice a month. In January 1965 one such Indian patrol detected signs of intrusion up to a depth of one and a half miles inside Indian territory over a length of about 18 miles. The local border police took up the matter with their Pakistani

opposite numbers and after a lot of persuasion brought them round to the conference table in the following month. But the Pakistanis were not prepared to discuss their intrusion. They said there should be talks at a higher level on the subject. Hardly five days after this abortive meeting Pakistani troops in platoon strength again intruded into Indian territory near Kanjarkot. India protested against this incident on February 18 and suggested an early meeting of survey officials of the countries to complete the border demarcation. Nearly a month later Pakistan rejected the Indian protest and turned down the suggestion for a meeting of survey officials.

Meanwhile, early in March, an Indian police patrol again came upon Pakistanis in the Rann. This time regular Pakistani troops were noticed in the company of the Indus Rangers—the Pakistani border police—at a standing post about 1,500 yards within Indian territory. The post overlooked a track, about 18 miles long connecting two positions called Ding and Surai. The track skirted the border and intruded into Indian territory up to a depth of one and a half miles at some points.

The Gujarat Government took immediate steps to thwart further Pakistani thrusts. At that time routine border protection was the responsibility of the concerned State Government. It was only after the Kutch developments that the Central Government assumed direct responsibility in this respect, thus happily reversing the centrifugal trend of the past few months. An advance Indian

post manned partly by the central reserve police was set up at a place called Sardar a few hundred yards south of Ding. To reinforce this another post was established at Vigokot about four and a half miles south-east of Sardar.

Simultaneously, efforts were made to avoid an armed confrontation with Pakistan. A meeting of the Deputy Inspectors General of the Rajkot Rangers (India) and West Pakistan Rangers was suggested to go into the Pakistani intrusion and seek restoration of the *status quo ante* as per the Indo-Pakistan Border Ground Rules adopted in 1960.¹ It was significant, in this context, that the tendency in New Delhi was to give Pakistan the benefit of the doubt. The Central Government was in no hurry to take retaliatory action until the Home Minister, Mr. G. L. Nanda, visited the area and ascertained the facts. But what worried New Delhi was the sinister similarity between the Pakistani moves in the Rann of Kutch and the Chinese tactics in the Aksai Chin region of Ladakh. Peking had first questioned the validity of the traditional boundary and then intruded into Indian territory by laying a track across it and setting up posts on it. So has Rawalpindi now.

1. "On this frontier the *de facto* boundary is generally known to the security forces of both sides and the local population. In case of disputes arising in any sector.... the *status quo* will be maintained by the local post commanders"—Paragraph 3 of West Pakistan-India Border Ground Rules.



The die was cast on April 9. On that day two battalions of regular Pakistani troops, armed with mortars and 25-pounder guns, mounted a pre-dawn attack on the newly set-up Indian post at Sardar. The Pakistanis lost 34 men in the engagement but the Indian police had to pull back from the post. The incident shocked New Delhi into alertness. The Army was put in operational control of the Kutch-Sind border.

From points in Kutch, men of Southern Command were asked to move across the 80 odd miles of the Rann to the international border. By evening that day the *jawans* had moved up to Vigokot and relieved the hardpressed policemen. The border police had lost four men, including the Deputy Commandant of the Rajkot Rangers, five others were wounded and many missing. As stragglers turned up, the list of missing rose to 19. But they had proved their hardiness. The retreating Pakistani troops had left behind 34 bodies, including those of four officers. Four men were captured—three lance naiks and a sepoy—in the first onslaught on Sardar. They were rushed to Kutch and flown to New Delhi for interrogation.

The prisoners on close questioning gave away the plan of operation. The 51 Infantry Brigade commanded by Brigadier Azahar Khan had been in control of the operations. Three battalions of the brigade, including the 18 Punjab under Lt.-Col. Mumtaz Ali, were among the attacking regulars who numbered around 3,500. The three battalions had been moved up to the border two weeks before

the day of attack. Instructions to be ready for the attack were given on April 7 and the attack was ordered at night on April 8. Much of the arms and heavy artillery used came from U.S. military aid supplies.

After the Indian Army moved in, the situation quietened. Sardar post was retaken on April 10. Rawalpindi expressed anxiety for a ceasefire but it was obvious that its aim was to establish the intrusion and start negotiations in which a "line of actual control" — similar to the Chinese invention after the 1962 attack on the northern border—could be brought up. A different offer was made to New Delhi later for official level talks followed by ministerial negotiations on the Kutch-Sind border as well as other points where incidents had taken place in the past few months. Such an offer to put an end to border skirmishing had been made twice before by India but without any response from Pakistan.

On the morning of April 11 Pakistani troops started firing again. It went on intermittently and by evening reinforcements including armoured cars were brought in.

Pakistan carefully timed the attack and chose the terrain where it would have the advantage of hard ground while the Indian forces coped with a long line of communication. There are two airfields near the border on the Pakistani side at Badin. A railhead, Rahim-ki-Bazar, is only ten miles from the border and Malir, the cantonment for Karachi where the 51 Infantry Brigade is

stationed, is within driving distance. There are several villages and settlements all along the border on the Pakistan side and several roads connecting the main roads to Karachi.

Grabbing territory first and then staking claim has become the Chinese pattern of settling international disputes. Field Marshal Ayub Khan of Pakistan has apparently taken a leaf from Mao Tse-Tung's book. But he has been employing American armour to put into practice Chinese tactics—a novel phenomenon of co-existence of dissimilar objects. Following the armed thrust into Kutch, Pakistan put forward a claim to 3,500 square miles of territory in the Rann of Kutch. Among the arguments advanced in support of the claim was an alleged invasion of the Rann in 1762 by the then King of Sind. At this rate Pakistan would soon be claiming a large part of northern India because Akbar whom Pakistani textbooks of history describe as an emperor of Pakistan had ruled over the territory!

Another Pakistani claim was that the Rann was a landlocked sea or lake half of which should go to it. But the Rann is in reality a marsh. Under international law a marshy area is considered land area for the purpose of demarcation of boundaries.

Between March and April Pakistan made a territorial issue of what was earlier conceded as a boundary dispute. The Pakistan Foreign Minister, Mr. Z. A. Bhutto, said on April 15: "It must be remembered that the central fact is that

this is a dispute over territory which lies roughly north of the 24th parallel. The dispute has arisen not because the boundary is undemarcated but because the disputed territory is in India's adverse possession."² Even assuming that there was a territorial dispute, under no law is Pakistan justified in launching an attack to support its claim. Mr. Bhutto himself admitted that the territory was in India's "adverse possession." Both the Indo-Pakistan Ground Rules and the U.N. Charter have provided a civilised and peaceful way of getting such grievances redressed.

It was distressing in this context that the Western Powers, especially the U. S. and Britain, did not remonstrate with Rawalpindi over its behaviour. The American and British conservative newspapers carried laudatory reports of Pakistani military prowess. They said the Indian Army had once again been humbled on the battlefield, this time by Pakistan. That it was a surprise attack by Pakistan, that it had been well prepared for and that American heavy armour, received as gift, had been misused by Rawalpindi made no difference to the Western observers. The Karachi correspondent of the *Associated Press* of America wrote a report sitting in his air-conditioned office extolling the martial qualities of the Pakistanis and running down the Indian Army. (Thanks to intense competition among newspapermen he was ultimately exposed.) The so-called liberal journalists in Britain plugged

2. *Dawn* (Karachi) April 16, 1965.

a different line. Mr. Kingsley Martin, writing in the *New Statesman* (London), attributed the Pakistani attraction for the Rann of Kutch to the reported presence of oil deposits in the area. He, therefore, very generously suggested joint Indo-Pakistan exploitation (presumably under British technical guidance) of the natural resources in the region. During Nehru's life-time, Mr. Martin had literally the run of India's foreign policy thinking. The *New Statesman* which Mr. Martin was then editing was the Bible of many in the External Affairs Ministry. The only subject on which Jawaharlal did not heed his advice was Kashmir and Mr. Martin has never forgiven India for it. Later, when India-Pakistan fighting broke out on a larger scale, Mr. Martin gave vent to flagrantly untrue statements.

The preparation which preceded the Pakistani attack on Kutch was stupendous. The 8th Infantry Division was moved from Quetta and reinforced by two armoured regiments, namely, the 12th Cavalry (Chaffers) and the 19th Lancers (Pattons). Various artillery regiments—the 4th Field Regiment, the 25th Field Regiment, the 14th Field Regiment, the 12th Medium Regiment and the 83rd Mortar Battery—and infantry battalions, namely, the 18th Punjab, the 6th Baluch, the 8th Frontier Force and four other battalions, were deployed by Pakistan on the Gujarat border. General mobilisation was ordered. This included cancellation of all military leave and recall to duty of all officers and air force reservists. Intensive

training of semi-military Pakistani formations known as Razakars and Mujahids in West Pakistan, and in particular in the Sind area, was started.

After the sudden assault, the Pakistani troops were prevented from moving south. But they held on to the Indian territory they had overrun and the track they had surreptitiously built across Indian territory. Between April 20 and 26 they made further attempts to penetrate Indian defences and partially succeeded at Biar Bet and Point 84. These were not vital towns but in the uneven terrain of the Rann the raised areas gave tactical advantage to the possessor. There were two principal reasons for the Pakistani gains. First, the attackers were in brigade strength with a numerical majority of three to one over the Indian troops. Secondly, the Pakistanis deployed heavy armour, including American Patton tanks. A daring Indian Air Force officer, 21-year-old Flying Officer Utpal Barbara, flew low over a tank formation and photographed it. The Indian Army also suffered from a serious inhibition. The task set to it was a limited one, namely to hold the Pakistanis until the expected monsoon set in and inundated the region. When the Indian General in charge of the operations asked for tanks to match the Pakistanis New Delhi firmly said "no". The reasons were both political and military. First and foremost, the Prime Minister still desired to avoid a full-scale war with Pakistan. He stuck to this position until September 1 when Pakistani troops crossed the international boundary into Chhamb in southern

Kashmir and forced his hand. Militarily, with the monsoon at hand deployment of heavy equipment in the Rann would mean fighting a battle with tricky weather, on unsure ground, with the Pakistanis poised on elevated terrain.

The Indo-Pakistani tension and military confrontation was not confined to the Rann of Kutch. Incidents across the ceasefire line in Kashmir grew in number and intensity ; across East Bengal's border with West Bengal, Assam and Tripura more frequent exchange of firing was reported. There were fears that Pakistan might provoke incidents in the eastern sector. Massing of Pakistani troops on the Punjab border was also reported. The Indian Army, too was put on the alert. Angry demands for retaliation against Pakistan were made in Parliament. Mr. Nath Pai of the Praja Socialist Party, by no means an extremist or a rabid anti-Pakistani, said India should hit back "at a point of its choice" since the terrain in Kutch was considered unsuitable for massive Indian action.

While the Pakistanis were stalled on the battlefield, the political repercussions of the attack on Kutch threatened to be more menacing. On one side was the Army chafing at the inhibitions imposed on its urge to get even with its Pakistani counterpart which was apparently getting away with the surprise attack it had launched. The Pakistan President held a special investiture to honour the officers who planned and carried out the Kutch operations.

Politically, the opposition groups, notably the Jan Sangh and the Samyukta Socialist Party started

using the Kutch developments to denounce the Prime Minister as a weak-kneed leader. The last days of the Budget session of the Lok Sabha were marked by stormy scenes, almost daily, provoked by a handful of SSP members. Even many Congress members, while they heartily disliked the parliamentary tactics of the S.S.P., which consisted of trying to create disorder and being thrown out of the House, felt that a firm policy towards Pakistan was needed. A Jawaharlal would have rode out the storm, sometimes by lashing out at his critics and on other occasions by conceding their point. But Mr. Lal Bahadur was not built that way. He did not like to talk tough unless he was prepared to live up to it. Secondly, not being easily provoked, he would let his critics jeer him, without joining issue with them. Pakistani journalists in New Delhi magnified these incidents to write home stories of an impending collapse of the Indian system and leadership. Field Marshal Ayub Khan was presumably taken in by these reports when he planned his second attack on Kashmir.

Still, Mr. Lal Bahadur's cup was not full. To add to the Prime Minister's headaches, Sheikh Abdullah whom he had allowed, in good faith, to go on Haj pilgrimage converted it into a political mission and started cohorting with China and Pakistan. He began a regular anti-Indian campaign wherever he went—Cairo, London, Birmingham, Paris and Algiers—and to cap it all met the Chinese Premier, Mr. Chou En-lai, in the Algerian capital. It was obvious that Pakistan

had arranged this meeting. It was also reported that Sheikh Abdullah was drawing heavily on Pakistani funds and diplomatic apparatus for his anti-India drive. All the while he retained his Indian passport.

There was naturally indignation in New Delhi. Mr. Lal Bahadur, especially, felt betrayed. Sheikh Abdullah's friends used to say that when Nehru ordered his removal from Kashmir premiership and arrest in 1953, Mr. Abdullah had taken it to heart that a friend had let him down. If it were so, the Kashmir leader now repaid it in full measure to Jawaharlal's successor.

A large number of M.P.s were genuinely concerned at the turn of events and their likely impact on the situation in Kashmir. Meanwhile the Bakshi lobby which had never forgiven Mr. Lal Bahadur for having ensured the election of Mr. G. M. Sadiq as Kashmir Chief Minister found the atmosphere ideal for fishing in troubled waters.

It seemed that for some persons any stick was handy to beat Mr. Lal Bahadur and his colleagues with. The Swatantra Party leader, Mr. Dahyabhai Patel, alleged in the Rajya Sabha that being a Maharashtrian, the Defence Minister, Mr. Y. B. Chavan, had deliberately ignored the defence of the Rann of Kutch which was part of Gujarat! In short, an explosive military situation vis-a-vis Pakistan and a delicate political scene at home confronted Mr. Lal Bahadur who was still faced with indifference, if not antipathy, from a section of his partymen supporting Mr. Morarji Desai.

On the other hand, international pressure began to mount on him for avoiding a showdown with Pakistan. Essentially this consisted of "advice" from the U.S. and U.K. to agree to a ceasefire in the Rann of Kutch and disengagement of forces elsewhere on the Indo-Pakistan borders. The Soviet Union, too, favoured such a consummation, though for different reasons. The Soviet attitude, which became clearer in September at the time of the larger Indo-Pakistan conflict, flowed from a genuine apprehension that other Powers, definitely China but possibly the U.S. also, might seek to exploit and escalate an Indo-Pakistan military showdown. For Peking, such a development would provide an opportunity to put into practice its pet theory of a world revolution through war. For Washington, the temptation would be to settle scores with China by entering the fray. The Soviet Union could not take sides. Nor could it "stand idly by" while a Sino-Indian conflict, with potential nuclear dimensions, raged.

Wisely for himself and luckily for his country, Mr. Lal Bahadur throughout maintained a reasonable but firm stance. He never allowed himself to be provoked to the point of no return. From the beginning, he set himself three criteria for a Kutch settlement : (1) vacation of Pakistani aggression, (2) restoration of *status quo ante* and (3) talks on the border dispute. On April 28, 1965, he told Parliament :

"We are prepared to take the path of peace but we cannot follow it alone. Pakistan must decide

to give up its warlike activities. If it does, I see no reason why the simple fact of determining what was the actual boundary between the erstwhile Province of Sind and the State of Kutch and what is the boundary between India and Pakistan, cannot be settled across the table. It need not even be a negotiating table. It is more a question of finding out the facts, rather than of negotiating a settlement. It can be done by experts on both sides. All this is possible provided there is an immediate cessation of hostilities and restoration of the *status quo ante*....

"I realise that both India and Pakistan stand poised at the crossroads of history. The path of reason and sanity, of peace and harmony, is still open. Even while our police and later our Army have been defending our soil with commendable courage in the face of heavy odds, the path to peace has not been blocked. But it is a path on which we cannot walk alone. It takes two to make friendship and peace."

This was generally the basis on which a ceasefire agreement was ultimately arrived at. Before the agreement was formally signed on June 30, 1965, the Prime Minister had occasion to be in the Soviet Union on his first visit. The Soviet leaders warmly congratulated Mr. Lal Bahadur on his statesmanship. There was criticism in some quarters that he had given away more than he had got from Moscow and that he did not insist on unequivocal Russian support on Kutch as Nehru had obtained from Mr. Nikita Khrushchev on

Kashmir. But it must be remembered that Mr. Alexei Kosygin is not Mr. Khrushchev. Secondly, Russia has lately started improving its relations with Pakistan, though not at India's expense. The possibility increased in recent months, especially after Field Marshal Ayub Khan's Moscow visit earlier in the year, of Pakistan getting out of the Western military alliances and shutting up American bases in Peshawar and Gilgit. Such a consummation was devoutly to be wished for by India also because, as was proved in September, it was the American military hardware obtained by virtue of those alliances which enabled Pakistan to wage war on India and, moreover, it could not be said that the American bases in Pakistan did not pose a threat to India's territorial integrity.

What did Mr. Lal Bahadur give away to Moscow? He merely repeated India's opposition to the American bombing of North Vietnam and pleaded for a political solution of the Vietnam problem--which had been India's stand since 1954. Mr. Lal Bahadur also reiterated India's adherence to non-alignment and faith in the principle of peaceful co-existence of dissimilar world systems. This, in effect, was a joint Indo-Soviet repudiation of Peking's philosophy. On Indo-Pakistan relations the Lal Bahadur-Kosygin joint communique recorded India's preparedness for a peaceful settlement of all differences without outside interference. In economic terms what the Prime Minister had obtained from Moscow was striking. Indo-Soviet trade was to be doubled. Soviet assistance to India's

Fourth Plan was to be twice as much as that to the earlier plans. Above all, supply of Russian defence equipment and know-how would continue unabated. It was, therefore, not an exaggeration to say that Mr. Lal Bahadur was the first Prime Minister of India to return from Moscow with his pockets full of tangible results. More than anything else, an Indo-Soviet *rapport* transcending personalities had been established.

Thanks to Pakistani haggling, the signing of the Kutch ceasefire agreement was stalled for nearly a month. There were apparently two schools of thought in Rawalpindi—the doves headed by Field Marshal Ayub Khan being in favour of biding their time and the hawks under Mr. Zulfikar Ali Bhutto plumping for a showdown there and then. Luckily for India, Parliament was in summer recess so that the negotiations could be conducted without the country having to show its hand before the other party made a fresh move. During the Budget session of Parliament, some M.Ps., especially those belonging to the five-member SSP, revelled in raising on the floor of the Lok Sabha delicate issues under negotiation. The procedure of the Government being allowed to take decisions and then seeking Parliamentary sanction for them was sought to be abandoned. Repeated attempts were made to embarrass the Prime Minister and even “corner” him. This had made foreign newspapers deduce that the Prime Minister was under strong pressure from Hindu militants at home to get tough with Pakistan and that he might give in. A picture of

a querulous, unstable democracy pitted against a united Pakistan under cool, collected leadership was presented abroad. Pakistan naturally reaped a propaganda harvest in the process.

The Kutch ceasefire agreement was signed in New Delhi by two cousins, Mr. Azim Hussain, Secretary in the External Affairs Ministry, on behalf of India and Mr. Arshad Hussain, the Pakistan High Commissioner. This was a poignant reflection on the tragedy of India-Pakistan relations. When Quaid-e-Azam Jinnah succeeded in carving Pakistan out of India he had also divided families and broken up homes. Mr. Lal Bahadur bore this aspect of the matter in mind whenever he dealt with Indo-Pakistan problems. To add to it, Field Marshal Ayub Khan exuded neighbourliness when he met the Prime Minister in London during the Commonwealth Prime Ministers' conference in June 1965. This was the second meeting between the two leaders, Mr. Lal Bahadur having stopped over in Karachi in October 1964 on his way home from the Non-aligned Conference in Cairo. The Prime Minister thus looked upon the Kutch agreement as above all a means "to a reduction of the present tension along the entire Indo-Pakistan border."³

The operative parts of the agreement provided for a ceasefire (which was already there *de facto* for over a month) and restoration of the military situation obtaining on January 1, 1965. This meant that along with the Pakistani troops Indian

3. Preamble to the ceasefire agreement. See appendix for the text.

forces also had to quit the northern reaches of the Rann because they were not there on January 1. To a section of the people at home it proved an anathema that Indian troops had to vacate their own territory to make Pakistan pull back from positions it had occupied. They interpreted it as the thin end of a wedge to make a territorial dispute of the matter.

But Indian border police could patrol the area up to the international boundary as claimed by India. In return, however, the Pakistanis would patrol the track they had laid across Indian territory. This was a second and even more serious eyesore to some Indians. But the Prime Minister agreed to it because it would be a temporary arrangement lasting not more than a year on the outside and also because for six months of this period the Rann would be inundated and not easily patrollable.

The ceasefire and withdrawal of troops were to be followed by bilateral discussions and international arbitration, if necessary. The India-Pakistan Agreement of 1960 had already provided for further talks on the Kutch border dispute. The new accord merely set a four-month time-limit for the completion of the discussions. Failing agreement, the matter was to be referred to a three-member international tribunal. This also had been envisaged in an earlier Indo-Pakistan agreement reached during Nehru's prime ministership. No doubt, Mr. Lal Bahadur agreed to some variations in the earlier agreement. First, there would be no Indian or Pakistani on the tribunal which was anyhow to

be presided over by an impartial outsider. It was actually India which first suggested this change in the *modus operandi*. It was felt in New Delhi that judging from the experience of the Radcliffe Tribunal, with the Indian and Pakistani representatives reiterating their respective positions it would ultimately be a one-man verdict by the tribunal chairman. Instead, if others presented the rival claims there would be a possibility of collective wisdom coming to bear on at least some aspects of the dispute.

The other important concession made by the Prime Minister was to agree that "the decision of the Tribunal shall be binding on both Governments and *shall not be questioned on any ground whatsoever.*" The undertaking not to question the tribunal decision "on any ground whatsoever" was not there in earlier Indo-Pakistan agreements. But as a matter of fact it was implied in the procedure agreed to. Having agreed to set up the tribunal and having presented its case to it, a country like India could not have wriggled out of the outcome. It would be more graceful to take the rough with the smooth as Yugoslavia did in the case of Trieste.

India's anxiety to maintain a correct posture in respect of international agreements was also evident from the stand taken by the Government on the transfer of Berubari and Chilahati in West Bengal to East Pakistan. The transfer was agreed upon by Nehru and the then Pakistani Premier, Malik Feroz Khan Noon, in 1958. Later, in 1960, the Indian Constitution was specially amended to get

over the objection that no part of the Indian territory could be ceded to another Power. An abortive writ petition was then filed in the Calcutta High Court to prevent the transfer. An appeal preferred by the petitioners, mostly Hindu Mahasabhaites, was dismissed by the Supreme Court in August after the Government stubbornly defended the intended transfer.

But as subsequent developments have made it clear, for Pakistan the Kutch adventure was a kind of probing mission, militarily as well as politically. Rawalpindi wanted to see how India would react to a surreptitious intrusion followed by a territorial claim. It was apparently satisfied that the method would yield the political dividend of negotiations, without the aggression costing it anything. Politically, the Kutch episode exposed the weaknesses of a democracy weighed down by internecine quarrels. Internationally, Pakistan also wanted to test different countries. The U. S. did not bat an eyelid when American weapons were used against India, notwithstanding the fact that they were deployed to subserve Chinese tactics. The Soviet "neutrality", too, was encouraging from Pakistan's point of view. And "providence in the shape of Mr. Harold Wilson"—to quote Mr. Jayaprakash Narayan in a different context—actively exerted himself to restrain India on the battlefield and goad it to the conference table.

So, with the "all clear" on every side Pakistan embarked on the next phase of perfidy.

The New Image

"A leader generally, if he is really the leader, does not walk (on) the beaten track because in the political field situations change, men change, conditions change and environments change, and the real leader must give the reply to the changing conditions."

These remarks of Mr. Lal Bahadur on September 8, 1964¹ were the butt of much criticism by the Communists and the so-called Congress Left. But before the whirligig of time registered the passage of twelve months the Prime Minister has shown what he had meant by these observations. He has given India a new image and himself a new, purposeful personality.

The remarks were by way of rebuttal of Prof. Hiren Mukerjee's charge that the Prime Minister was "deviating" from Jawaharlal's policies and thinking. But they were no *obiter dicta*. Though they were made in the course of an extempore speech winding up the discussion on the first no-confidence motion against his Government, the words flowed from a studied reflection on the problems facing India. Mr. Lal Bahadur cited instances from the

1. Speech in the Lok Sabha.

history of India and the world in support of his advocacy of dynamic policies in a changing world. (His references to Mr. Khrushchev and Stalin—primarily meant to counter Communist criticism—were, however, misinterpreted by the Communist Press).

There could be no better illustration of what the Prime Minister had meant than what happened in September this year.

India's complaint of January 1, 1948, to the U. N. Security Council on the *situation* in Kashmir (not dispute but situation as Mr. Krishna Menon very often correctly emphasised) said that if Pakistan failed to halt the aggression "the Government of India may be compelled, in self-defence, to enter Pakistan territory in order to take military action against the invaders." This was further amplified to mean that India would regard an attack on Kashmir as an attack on herself.

This had been repeated *ad nauseam* by Nehru between 1948 and 1964. It was left to Mr. Lal Bahadur to live up to the assertion with which no Indian disagreed!

There was also another striking change in approach which Mr. Lal Bahadur has shown himself capable of. According to Mr. Selig S. Harrison of *The Washington Post*, who is a perspicacious observer of the Indian scene for over a decade, the crucial decision in the recent Indo-Pakistan fighting was that of the Prime Minister to deploy the Air Force to ward off Pakistani invasion of India by crossing the international border into Chhamb

on September 1. In almost similar circumstances in October 1962, when the Chinese troops were rolling down the North-Eastern Frontier Agency, Nehru prevaricated and gave in to the American advice not to use the Air Force!

The September developments were a logical sequel to the Pakistani probing in Kutch. Even when the Kutch agreement was being negotiated Pakistani attacks on the Srinagar-Leh road grew in intensity and frequency. The 400-kilometre long highway runs through some of the world's highest mountain passes. Between Srinagar and Leh it is parallel to the ceasefire line. Kargil is a village perched on a plateau 9,500 feet high.² The notional truce line generally follows the crest of the mountain ranges with peaks as high as 16,000 feet. The Shingoo river, a tributary of the Sind river, branches into two and crosses into the Pakistan-occupied territory at a point where the mountain plunges to the ground level. Thereafter, the mountains take over once again, overlooking the plateau below. Pakistan had its military pickets atop the mountains.

Down below, to the east of the river, is the Indian supply line to Ladakh. For trigger-happy Pakistanis on the heights convoys crawling on the highway to the east are sitting ducks. No marksmanship is required to shell a long stretch of road some 6,000 ft. below. The road is snow-bound in winter. So for only five months in the year, from

2. This report on the Kargil battle was broadcast by All India Radio on August 16, 1965.

the middle of June, Indian convoys ply on this highway. This has been an eyesore to the Pakistanis, especially after their new-found friendship with China. It has since come to light that the Pakistani bid to cut the road to Leh was also to prevent Indian troops in Ladakh from being rushed back to the Valley to deal with the infiltrators. Notwithstanding the Pakistani propaganda of an Indian military build-up in Kashmir, Rawalpindi was aware that the Indian defence forces were mainly concentrated in Ladakh to forestall a fresh Chinese attack.

At about 8 p.m. on May 16, the Pakistanis launched a sudden attack across the ceasefire line on one of the Indian posts lying some 2,500 feet below. They thought that once the Indian post was out of the way they would be monarchs of all they surveyed from the commanding heights. The attackers belonged to the Karakoram Scouts, known for their skill in mountain warfare even in the days of the pre-Independence army. On the Indian side were the brave Rajputs from the plains. The defenders repulsed the attack after bitter fighting. But the sneaking Pakistani attacks did not cease. They were adopting hit and run tactics. So it was decided to wrest a 14,000 feet high mountain position from the Pakistanis. The Indian counter-attack began on May 17.

First, the Pakistani posts were shelled. Then a thrust started from two directions. The peak was encircled. A fierce hand-to-hand combat followed. In all, there was seven to eight hours' fighting. Some of the fleeing Pakistanis slipped

and fell off the precipices. Some others were captured. Quite a few were killed. The post was cleared of the enemy. The area was rid of menace. The Pakistanis had nicknamed this peak "*kafir* pahar" or the mountain of the infidel. They thought they could, from the forbidding height, destroy the *kafirs*, meaning Indians. The Rajputs not only silenced the enemy guns but also subdued the height. They could have rechristened the peak Rajput Glory.

This was not the only post wrested from the Pakistanis. There were four others from which the enemy was driven away. Of these one was on the ceasefire line.

Pakistan did not give it up even then. Between May 17 and the end of June there were as many as 60 Pakistani attacks in this region. In August when some of us, correspondents, were accompanying a convoy to Leh the road was still being repaired from the Pakistani ravages. Commandoes came across the ceasefire line to wreck the road and blow up bridges. In between, India vacated these posts in the middle of June in deference to a United Nations request and following the posting of U. N. military observers at Kargil and Skardu. But even the presence of international observers was no damper to the Pakistani tactics as subsequent events showed. I have described this battle in some detail because it highlighted the military needs of India's self-defence which in September determined the Prime Minister's policies.

First indication that bands of armed infiltrators

from Pakistan had intruded into the Valley was available on August 5. A young shepherd, Mohammad Din, was grazing his cattle in a meadow near Gulmarg (meadow of flowers) when two of the raiders approached him with an offer of Rs. 400/- for some information and transportation to Srinagar. It was a large sum of money for a poor shepherd but he was not tempted. He duly went and reported the matter to the police who passed it on to the Army authorities. About 50 miles further south, another villager, Wazir Mohammad, also came across a group of raiders and put the police wise about it.

Almost simultaneously Kashmir police officials reported to the Army authorities that armed personnel dressed in green *salwar kameez* (baggy pantaloons and loose shirts) had been noticed by villagers at several places in the Valley and wanted to know if the Army was holding exercises in *mufti*.

The news tallied with scraps of intelligence received earlier that Pakistan was training guerillas to be smuggled into Kashmir. But it was not immediately known how serious the trouble was and how massive the invasion. A small group of us, reporters, spent two nights in Srinagar on August 4 and 5. The city was completely peaceful, with hundreds of tourists enjoying an autumn holiday. Pilgrims poured in from different parts of the country for the impending, annual Amarnath fair. We had heard of some demonstrations in Anantnag but we linked them with the return to Srinagar of Sheikh Abdullah's close associate, Mirza Afzal Beg, who was in detention. On August 5 we set out for Leh

with a convoy of Army Supply Corps vehicles. On the way, beyond Sonmarg (golden meadow), we saw road breaches caused by Pakistani desperadoes. But until we reached Budhkarbo the following night we had no idea that another Pakistani invasion was on.

Intelligence of a Pakistani plan to start a guerilla war in Kashmir was available in May itself. It said that discussions on the subject had taken place among Pakistanis, Chinese and Sheikh Abdullah. Mr. Abdullah, who had earlier left India for Haj pilgrimage, was cheek by jowl with Pakistani diplomats throughout his eight-week peregrinations. He had also met the Chinese Premier in Algiers. The plan seemed to be that Mr. Abdullah would launch an anti-Indian agitation on August 9, the anniversary of his deposition from premiership twelve years ago. Simultaneously Chinese-trained Pakistani guerillas would start operations. At that time the tendency was to dismiss the report as a fantasy. But as the August events unfolded themselves it did not look so ludicrous after all.

Within Pakistan a Presidential Ordinance was promulgated on June 11, 1965, setting up a mujahid force or volunteer corps under the overall control of the Commander-in-Chief of the Army. Pakistani leaders never made a secret of what it was intended for. Subsequently, documents captured from the raiders and Pakistani officers revealed a carefully drawn-up plan of operations. It showed that training of the infiltrators commenced on May 26 under the overall direction of Major-General Akhtar Hussain

Malik who commanded the 12th Pakistani division. Four training centres were established for what was called "Gilbralter Forces" with headquarters at Pakistan's summer capital of Murree. Six companies of 110 men each were trained at these centres. They carried evocative names such as Khalid, Khilji, Salehuddin, Kasim, Ghaznavi and Babar. In 1947 also, ex-Major-General Akbar Khan who was later liquidated by the Field Marshal led the so-called tribal invasion of Kashmir under the assumed name of General Tariq, a name which has an emotional appeal to the Kashmiris.

Pakistani Army officers commanded each of these six companies. They were given six weeks training in guerilla tactics which were relatively unknown to Indian and Pakistani troops. Besides these 2,640 troops, an equal number of irregulars accompanied the invasion force as porters etc. Pakistani publicity organs themselves conceded most of these facts, though indirectly.⁴

Why did Pakistan embark on this adventure? Explanations differ. Knowledgeable but charitable Western observers thought the aim was purely political, to reopen the Kashmir dialogue and force India to the conference table on Pakistan's terms.

4. "Even if the Indian claim that the patriots are all non-locals be accepted at its face value it would only expose the contradiction of Indian claims. . . . If these 5 to 7 thousand 'outsiders' could find shelter and food for three or four months (the period needed for all of them to cross over and to consolidate themselves before launching the revolt) then the Indian claim that the locals are assisting the Indian occupation force in detecting the 'outsiders' does not stand even a moment's scrutiny" *Dawn* September 2, 1965.

They said the Kutch intrusion also was similarly motivated but when India refused to include Kashmir in the proposed negotiations on the Kutch border dispute Pakistan launched the Kashmir invasion. Almost in extenuation of Pakistan, these sources pointed out that the internment of Sheikh Abdullah and the application of two more Articles of the Indian Constitution to the "disputed territory" had driven Pakistan to the desperate move. From this the Western observers concluded that the conflict escalated into a major shooting war when India retaliated in force and occupied Pakistani posts across the 1949 ceasefire line. In other words, Pakistan was given the benefit of the doubt. Pakistanis also, while denying complicity in the armed infiltration, argued that India had precipitated the situation by refusing to reopen Kashmir talks.⁵

But facts as highlighted by the unfolding events and documents captured from the Pakistanis told a different story. What was planned was a full-scale military invasion of Kashmir to be followed, if necessary, by an attack on India. Events moved rapidly. On the night of August 5

5. "Now India has protested to the Secretary-General and asked for his intervention; otherwise India would retaliate in her own fashion. Has India forgotten that less than a year ago Pakistan sought assiduously to involve the Secretary-General in this matter and it was India that categorically rejected this proposal and said there was no such thing as Jammu & Kashmir dispute that required solution.... India has closed all doors on a peaceful settlement of the Jammu & Kashmir dispute. She has also chosen to integrate the occupied territory in brazen violation of her international commitments...."

Pakistan Foreign Minister, Mr. Z. A. Bhutto, as reported by the *Pakistan Times*, August 13, 1965.

itself Indian security forces established contact with the raiders who, though surprised and demoralised, gave battle. A series of clashes followed, many of them recorded in the report submitted to the U. N. Secretary-General by his Chief Military Observer in Kashmir, General Robert Nimmo. The report confirmed wholesale violations of the ceasefire by Pakistani regulars and trained guerillas in considerable strength. It also established that they were equipped with a large range of arms and other stores manufactured in Pakistani ordnance factories.

Referring to the incidents of August 7-8 in the Baramula sector, General Nimmo reported that "the observers interviewed one of the captured raiders who stated that he was a soldier of the 16 'Azad' Kashmir infantry battalion and that the raiding party was composed of about 300 soldiers of his battalion and 100 mujahids (armed civilians trained in guerilla tactics)." With regard to incidents in the Poonch sector on August 7-8, "U.N. observers confirmed most of the reported fighting. The number of raiders was estimated to exceed 1,000. The available evidence indicated that some of the raiders must have come across the ceasefire line."

As some raiders fled back over the border, fresh parties of infiltrators continued to cross the ceasefire line. Pakistani forces along the ceasefire line meanwhile kept up heavy artillery fire against the Indian positions in order to engage the Indian Army and prevent the detection and capture of

the infiltrators. The stratagem failed. The Kashmir police and Indian Army units guarded all vital installations and lines of communication and simultaneously started a combing operation in the Valley and the Srinagar-Jammu road towards the ceasefire line.

The Pakistani plan was to infiltrate in small groups, concentrate at selected points and then move into the Valley to isolate it from both Jammu and Ladakh by cutting the lifelines. The Awami Action Committee and the Plebiscite Front were known to be planning demonstrations on August 9, the anniversary of Sheikh Abdullah's first arrest. The Pakistanis were to develop them into an insurrection. By then columns of infiltrators would have captured the airport and the radio station. In other words, 1947 was to be repeated, minus the mistakes then committed. The invaders then being primarily tribal marauders had engaged themselves in loot, arson and rape, thus giving the Indian Army valuable time to rush to the rescue of the Kashmiris. This time, the specially trained infiltrators had been asked to concentrate on military tasks, though as the tide began to turn against them with the local population resolutely refusing to join them, the 1947 history of arson and loot was repeated, on a much smaller scale though.

Following the internment of Sheikh Abdullah at Ootacamund⁶ in Madras on May 8, 1965, the Awami Action Committee started a civil disobedience

6. He was later transferred to Kodaikanal, also in South India.

movement. It consisted of defiance of prohibitory orders by small batches of "volunteers." Two French journalists (whom I do not wish to name) watched this "satyagraha" in July and were apparently unimpressed by the spectacle. They said a large congregation assembled for Friday prayers at the Hazrtabal Shrine looked on while a group of five "satyagrahis" raised slogans in favour of a plebiscite and was taken away by the police. Sometimes, the demonstrators came by country boats plying on the lake and were chased and caught by the police in speedier river transport. Traders and houseboat owners lamented the dampening effect of the demonstrations on tourist traffic, unless goaded by the foreign visitors to say that the Kashmiris preferred to be left alone by India. The Pakistani infiltration made short shrift of the civil disobedience campaign. About a hundred persons had courted arrest between June and August. After the infiltration started, the pro-Pakistani elements among the politicians wanted to bide their time until it was opportune to show their hand. The others were afraid of being swamped by them and hastily beat a retreat. Thus, politically, the second Pakistani invasion in 18 years proved fatal to Sheikh Abdullah's Plebiscite Front just as the first one in 1947 sounded the death knell of former Mir Waiz Yusuf Shah's Muslim Conference.

A "revolutionary council" also was to be set up, including some leaders of the Plebiscite Front and the Action Committee. Thousands of posters

containing a "proclamation of a war of liberation" were sent through the infiltrators. Pakistan hoped to capture the Srinagar station of All India Radio on August 9 and broadcast the so-called proclamation over it. Even when the plan misfired, Pakistani newspapers published the "proclamation" and reported that the walls of Srinagar were plastered with copies of it. Since the Srinagar radio station could not be captured, broadcasts began to be made from Muzaffarabad in the name of a "Sada-e-Kashmir radio" (Voice of Kashmir). Even in 1960, the so-called Azad Kashmir radio used to function from Murree.

More infiltrators were sent across the ceasefire line. Concerted attempts were made once again on August 10 to wreck the Srinagar-Leh road near Kargil. This was in spite of the presence of the U. N. observers there. So Indian troops had to recapture the Kargil posts on August 15, an Independence Day gift to the nation from the Army. The 1949 ceasefire line was now dead as dodo. Pakistan had asked for it and got it in full measure.

Having failed to seize Srinagar, Pakistan now tried to isolate the Valley from the rest of the country. According to documents captured from the Pakistanis this was to be the second phase of the invasion plan. Even when the first phase went awry or perhaps because of it the next step was taken. Western and Indian opinions differ on the subject. American and British observers, always prone to be charitable to Pakistan, thought that

having failed to whip up a revolt in Kashmir and having invited Indian retaliation across the cease-fire line Pakistan had to attack in Chhamb to save its face.

But subsequent events, especially after September 1, made it clear that the Pakistani objective was to seize Akhnoor and get a whiphand over the Indian line of communications in the Naushera-Rajouri-Poonch sector. The next step would have to be an attack on Jammu, which, if successful, would have bottled up Indian troops in Kashmir, including Ladakh. Then the Chinese troops would have completed the job in Ladakh.

The first Pakistani attack on Chhamb started on August 14. According to the Chief U.N. Military Observer, Gen. Robert Nimmo's report to the Secretary-General "Indian positions along the ceasefire line were subjected to heavy artillery and mortar fire from the Pakistan side on August 15-16. The attacking forces captured nine Indian positions on August 16-17." In these engagements Pakistan cast aside the thin veil of sending in troops in *mufti* and committed its regular army. The U.N. Military Observers themselves had alerted India that a massive concentration of artillery and armour was taking place on the Jammu border, which was not part of the ceasefire line. This was the first Pakistani violation of the fully demarcated international border.

This large-scale and sustained attack in the Chhamb area and the earlier attack in the Kargil sector by regular Pakistani forces is vitally signi-

ficant because it establishes that it was Pakistan, not India, that first sent regular forces across the ceasefire line and gives the lie to the Pakistani and Western assertion that India's "aggressive" movement across the ceasefire line in the Kargil, Tithwal, and Uri-Poonch sectors left Pakistan with no option but to launch a retaliatory strike in Chhamb on September 1. The guilt of infiltration and the subsequent escalation rests solely with Pakistan.

On August 24, the Indian troops crossed the ceasefire line in the Tithwal sector east of Muzaffarabad. The following day three Pakistani posts on two hill features in the Sanjoi area, including the strategic Pir Sahiba post, were captured. The Indian advance put the troops in command of the Kishanganga valley. India now dominated the vital Muzaffarabad-Kel road, linking Skardu with "Azad Kashmir." Above all, an infiltration route had been blocked.

A more important infiltration and supply route lay through the Haji Pir Pass and the Uri-Poonch bulge. This gateway had to be closed. The action commenced on August 27. Pakistan had expected a frontal assault on Haji Pir from the north along the old Uri-Poonch road. Indian units, however, moved cross-country, covering difficult mountainous terrain. It was a bold, swift manoeuvre, skilfully executed. Bedore, the dominating feature, fell; Indian forces then enveloped the enemy defences facing Uri and folded them up. Another column raced ahead to Haji Pir. Three hill features

had to be gained before the prize was reached. Then began the final 4,000-foot ascent to the pass, through the night, in rain and slush, along a *nullah*. The assault party got to the shoulder of the pass, rested briefly, climbed above it and from there "rolled" down the enemy and stormed the pass. The Indian Tricolour went up on Haji Pir at 10.30 a.m. on August 28.

The Uri-Poonch bulge was ultimately flattened on September 10. A grave defect was thus rectified in the notional ceasefire line drawn on a map without taking India's defence requirements into consideration, though even in 1948 the Security Council had conceded the Indian right to defend Kashmir territory.

The balloon formally went up on September 1. It was a meticulously prepared military operation. A pre-dawn artillery barrage had sought to soften up Indian defences around the Burejal village in the Chhamb area in southern Kashmir. Then, at dawn, Pakistani infantry and tanks crossed the international border from the Gujarat district of West Pakistan. It was a massive onslaught but India was not taken by surprise. It was anticipated that in the event of hostilities Pakistan would find Chhamb vulnerable because on the Indian side the terrain was unsuitable for deployment of tanks and heavy armour. But what remained to be seen was whether Pakistan, as claimed by its Western allies, would confine the fighting to Kashmir or violate the Indo-Pakistan border. But Rawalpindi again let down its Western friends.

Even otherwise it would have made little difference. British and American commentators were fond of saying that from the defence point of view India and Pakistan were indivisible. They had never forgiven Jawaharlal for refusing to walk into Field Marshal Ayub Khan's booby trap of "joint defence," presumably against China with which Pakistan started consorting within a year of making the so-called offer to India. If India and Pakistan needed to be defended jointly, more so India and Kashmir which was a part of the country. Americans, especially, conceded this military fact in 1962 at the time of the Chinese attack on Ladakh. Pakistani propagandists had been charging Mr. Lal Bahadur with further integrating Kashmir with the rest of the country. Thanks to the second Pakistani attack the integration was cemented in blood.

The Pakistani thrust was so fierce that the Indian troops had to fall back behind Chhamb village along the Munawar Tawi river. The Pakistanis had taken Chhamb and another village, Dewa. They also later crossed the shallow river, posing a threat to Akhnoor and the vital Indian lines of communication in western Kashmir. The Indian Air Force had to be pressed into service to blunt the Pakistani armour and slow its advance. As I have cited earlier, according to Selig Harrison this was a crucial decision which Nehru would not have taken. This writer disagrees with Mr. Harrison here. Nehru, even Mahatma Gandhi, would have acted as Mr. Lal Bahadur did in the circumstances. There

was a limit for a nation's peacefulness. In the light of India's experience at the hands of the Chinese in 1962 and after the Kutch episode, no leader of India could have allowed Kashmir to be cut off. The political shock of such a military disaster would have paralysed the nation and led to its disintegration. The situation was comparable to that in the dark days of November 1962 when after the fall of Bomdila in NEFA Nehru was even willing to let in American planes to check the Chinese advance.

On the morning of September 4, the Pakistani Air Force carried out a rocket attack on two points east of Ranbirsinghpura on the main Sialkot-Jammu road. Pakistan had massed one armoured division and two infantry divisions in the Sialkot-Pasrur area and an identical force of one armoured and two infantry divisions in the Lahore area. If the initial Pakistani thrust had reached Akhnoor and Jammu, India was to be prevented from relieving the siege of Kashmir by two further offensives. The first of these would probably have been launched from Pasrur-Narowal over the Dera Baba Nanak bridge across the Ravi and aimed at striking at Gurdaspur and the vital road and rail centre of Pathankot. The second, captured documents suggested, was an armoured strike along the Kasur-Khem Karan axis, the break-through being exploited along three prongs of Harike, Tarn Taran and Beas, the latter two designed to envelope Amritsar and threaten a thrust down the Grand Trunk Road towards Delhi respectively.

Pakistani leaders had often boasted that in the event of an Indo-Pakistan war their army would be in Delhi in a few days.

On September 2, U Thant appealed to both India and Pakistan for a ceasefire. The following day he presented his long-promised report on Kashmir to Security Council members in which he confessed his inability to elicit from Pakistan "any assurance that the ceasefire and the ceasefire line will be respected henceforth." In the circumstances, the Security Council's formal call for a ceasefire on September 4 was rendered totally infructuous by Pakistan's continued obduracy. India for its part was willing to accept a ceasefire provided Pakistan withdrew from Chhamb and pulled out its infiltrators from Kashmir and provided further that there was some assurance that India would not be open to further invasion and pushed from one ceasefire to another.

India had to act. It was supremely necessary to relieve the mounting pressure on Akhnoor. So the Indian Army crossed the Pakistan border in the Lahore sector at dawn on September 6. The Air Force simultaneously made tactical strikes against a number of military targets. The West, which had thus far been virtually silent, was quick to describe the new development as an Indian invasion of Pakistan.

The attack was mounted in three prongs and spread over a 30-mile front, along the Grand Trunk Road, from Wagah to Dograi; on the Khaira-Burki axis; and along the Khem Karan-Kasur

axis. Further north, units of the Indian Army flung the Pakistanis over the Ravi across the Dera Baba Nanak bridge which the enemy blew up the following day, thus putting an end to any serious threat of a Pakistani drive in the reverse direction. The first Patton tanks were captured.

By the evening of September 6, advance elements of the Indian forces reached and crossed the Ichhogil canal and the Ravi but were unable to consolidate these bridgeheads in the face of fierce counter-attacks. They were accordingly compelled to pull back to the eastern bank of Pakistan's strongly fortified water barrier. However, the results were as expected. Enemy pressure on Akhnoor was immediately relieved and Pakistan promptly disengaged the bulk of its remaining armour in this sector. They pulled back to Sialkot-Pasrur.

The Ichhogil canal is a strongly held barrier running approximately 50 miles north to south from the Ravi to the Sutlej. This is a steep-walled, lined canal, some 120 feet wide and 15 feet deep, built as an anti-tank ditch, well protected by concrete pill-boxes and gun emplacements. It had been developed over several years as the outer defence of Lahore.

An equally strong defence line had been built around the bastion of Sialkot. Indian forces in that region later discovered strong points and an elaborate network of observation posts and communications in the surrounding border villages with charts of aircraft silhouettes pasted at police

chowkis for purposes of local identification. These preparations obviously could not have been completed overnight. They were the work of years.

In the Lahore sector, the battle swayed between the Indian border and the Ichogil canal, with attack and counter-attack. But the ceasefire on September 23 saw the Indian forces on the canal along its entire length and in occupation of the strong points of Dograi and Burki.

Mr. K. Ranga-swami of *The Hindu* had described the crossing of Indian troops into West Pakistan as "the most popular decision" of the Government in 18 years. There was no doubt about it. The nation as a whole was fed up with the tactics of the successive regimes in Pakistan to push this country about, sometimes with American blessings and on other occasions in collaboration with the Chinese. There was no Indian pie in which Pakistan did not have its hand, be it Portuguese opposition to the liberation of Goa, or the terrorism of Naga hostiles or the Sikh demand for a Punjabi-speaking State in northern India. Pakistan has throughout pursued a kind of forward policy vis-a-vis India, on the reasoning that a strong and united India would be a threat to Pakistan. It callously used Indian Muslims as a pawn in the power-political game and gladly sacrificed the security of its own unhappy minorities with the sole intention of doing India down. Instances were not few when West Pakistani *agents provocateur* organised killing of Hindus in East Bengal to provoke anti-Muslim

rioting in India and then say there was a genocide of their co-religionists in India! Responsible East Bengal leaders like the late Mr. H. S. Suhrawardy and the late Mr. Mohammed Ali of Bogra had admitted as much to me.

Pakistan wore different garbs before different peoples to run down India. In the Arab countries, especially in Saudi Arabia, Jordan, Iraq and Algeria where the secular sentiment has no roots, Pakistan posed as the sole champion of Indian Muslims. At the same time, in the Hindu kingdom of Nepal where Muslims and other non-Hindus are second-class subjects Pakistan plugged the line of Hindu-Muslim equality and friendship. Before India's smaller neighbours like Burma and Ceylon, Pakistan put on the appearance of another such country apprehensive of India's size and strength. In London and Washington, on the other hand, India was presented as an obese but wobbly *bania* (Hindu trader) who was a moral coward and physical weakling and could, therefore, be no match to China. Pakistan alone could face the Asian Communist giant, these countries were made to believe.⁷ Rawalpindi had no difficulty in agreeing with Peking that India was an American protegee if not a stooge, and it had no difficulty in convincing the American Central Intelligence Agency that

7. Cf. "The Pakistani soldier is renowned throughout this area and around the world. They (the Pakistani troops) were the finest hard core of the British troops in that part of the world when the British were there...." Charles H. Shuff, U. S. Deputy Assistant Secretary for Military Assistance Programmes to the Committee on Mutual Security Appropriations of the House of Representatives on May 21, 1958.

there was a threat of Communist subversion in Pakistan through India!

The hostility was practised day in and day out. The Naga hostiles were trained in and armed by Pakistan. Fugitives among them were given asylum and enabled to slip away to London. Kashmiris inimical to India were helped with funds. Karachi received with open arms Portuguese warships fleeing from Goan ports at the time of the integration of Goa by India in December 1961.

So the feeling in India has been that there should be a showdown with Pakistan, whatever the consequences. It was a kind of exasperation. So there was spontaneous jubilation at the decision to march troops into West Punjab. It was not that Pakistan was being overrun but that the issue was being squarely joined, at long last. Secondly, to millions of Punjabis uprooted from West Pakistan and resettled in Delhi and Punjab Lahore is a prestige city. In fact, it is the only city for them in the world. So, to be back in Lahore elates them as nothing else does.

The result of this mixture of sentiments and urges has been an avalanche of expectations. On September 6 and 7, we in the newspaper offices in Delhi had no respite from telephone calls enquiring about the progress of the Indian Army's march on Lahore. Wish was very often the father of the query. "Has the airport fallen? Is the radio station under our control?" the callers would expectantly ask.

On the evening of September 6, the daily press briefing by the Information Secretary, Mr. A. N.

Jha, was mainly devoted to denying rumours that the Army was Lahore-bound. When Mr. Jha emphatically declared that capture of cities like Lahore was not on the military agenda, one could see the disappointment on many a face. Wisely for India, the Prime Minister set limited but telling objectives for the military operations. The result was that, militarily, India was not too deeply committed. Politically, New Delhi could abide by the inevitable United Nations call for a ceasefire more easily and readily than Rawalpindi. While retaining the military initiative throughout, the Indian Army set itself the most practicable objective of bleeding the Pakistan armour white by attrition. But India also has the baneful presence under its sky of politicians of the calibre of Dr. Ram Manohar Lohia. They tried to make a political issue of the alleged failure of the Army to seize Lahore.

To get back to the narrative of the battle, September 7 saw a fierce Pakistani counter-attack in the Lahore sector. It was thought that a decisive action was being fought with Lahore as the prize. Some of the foreign correspondents also felt that India was really after Lahore but that the Government spokesmen were covering up Indian failure to penetrate Lahore's defences by denying that its capture was the objective. There was, however, a silver lining in the cloudy atmosphere. The Pakistanis, too, believed that the Indian Army was Lahore-bound. It was tactically useful to let them think so. Otherwise, the attacking forces

in the Chhamb sector would have been further reinforced.

On the night of September 7, Indian Army units moved across the Jammu-Sialkot border over a broad front from Suchetgarh on the Jammu-Sialkot road to Ikhnal some 30 miles east. The object was to pin down Pakistan's 4th Corps, including the 6th Armoured Division, draw it into battle and prevent the enemy from reinforcing the Lahore garrison. Suitable lodgements were secured at selected points by infantry action. The following day Indian armour thrust forward.

This was superb strategy on the part of India's military leaders. A little shuffling of moves would have had an entirely different effect. If, on September 6, instead of moving westwards towards Lahore the Indian Army had crossed the border towards Sialkot, the Pakistan Army would have marched into Punjab. The Lahore thrust contained the massive Pakistani armour poised for an onslaught against the Punjab plains. By opening another front in the Sialkot sector two days later, the Indian Army prevented the Pakistanis from regrouping. Being a numerically smaller force, fighting on many fronts was disadvantageous to the Pakistan Army.

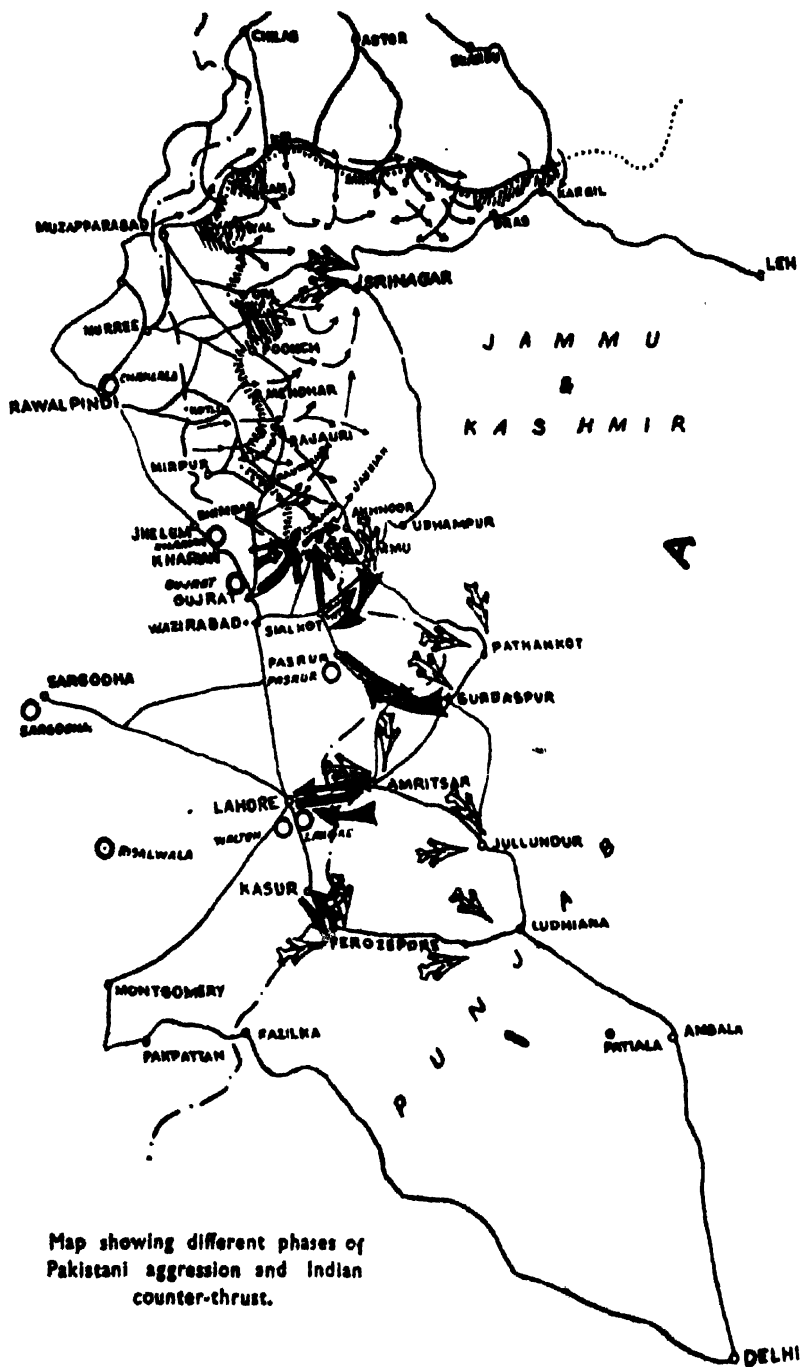
Now they had one more theatre of war to cope with. On September 8, Indian forces made a diversionary attack across the Rajasthan-Sind border at Gadra Road in order to hold down the Pakistani division located in the Karachi-Hyderabad region and prevent it from either moving north to the main battle area or from attacking in Kutch

again. The Pakistanis engaged Indian troops in all sectors and sought to concentrate on Suleimanke, on the east bank of the Sutlej, for a drive on Fazilka. The Indian Air Force broke up this concentration and the subsequent attacks in this sector were repulsed with losses to the enemy. While these actions were in progress on the sidelines and a ding-dong struggle continued in the Lahore theatre, two major battles were building up in the Kasur and Jammu-Sialkot sectors.

Pakistan's 1st Armoured Division, its principal strike force, was located in the region of Raiwind. This now moved forward through Kasur and was thrown into battle. The Pakistanis calculated that they had held the Indian offensive along the line of the Ichhogil canal and were now well poised to strike a decisive counter-blow. Indian troops were compelled to fall back against the very strong pressure that developed in front of Kasur and the local commander wisely decided to take a big step back to a point where he could hold the enemy although this meant giving up some Indian territory. New positions were taken up at the head of a fork at Khem Karan.

Transmission of radio messages to troops in the forward positions had hitherto been discontinued because the Pakistanis were said to be intercepting them by operating on the same wavelength. But now the decision to withdraw from the Kasur area was deliberately radioed so that it would reach the enemy.

The enemy wrongly concluded that he had started



Map showing different phases of Pakistani aggression and Indian counter-thrust.

a rout and walked into what had now become a trap. Five armoured attacks were launched one after the other between September 9 and 10. The Indian infantry was well dug in and held its ground against the concentrated fire of enemy artillery to which the Indian gunners gave an effective reply. The Indian armour lay concealed in tall fields of ripening sugarcane and *bajra*. The enemy advanced with his 5th Armoured Brigade. This was hurled back and its place was then taken by Pakistan's 4th Armoured Brigade. The enemy was given little freedom of manoeuvre and his left flank was bogged down by cutting a canal. The Indian armour jumped to the kill. It was in this action that Company Quarter-Master Havildar Abdul Hamid knocked out three Pattons and disabled a fourth before he was killed, a feat of undying heroism like many others in the 22-day war.

It was a splendid victory won by superior tactics, brains, gunnery and training against a larger armoured force. Pakistan's 1st Armoured Division had been mauled and two of its regiments including the 4th Cavalry decimated in the fighting. Pakistan had lost 97 tanks, a large number of them Pattons, of which nine were captured intact and two were surrendered with crew. Two Lieutenant-Colonels, six Majors, six other officers, and several other ranks were captured in this engagement.

A worse fate awaited Pakistan's more recently formed 6th Armoured Division in the Sialkot theatre. Action was joined on September 8. The Pakistanis had probably hoped that there would be a frontal

assault on Sialkot. They were disappointed. Two villages, Charwa and Maharjke, had been taken, the latter a focal road intersection, and the Indian armour moved forward, southwards, towards Phillora, southeast of Sialkot. Units of the Pakistan 6th Armoured Division moved up from Bedian, Pasrur and Phillora to counter-attack. What followed was a series of tank battles, the biggest since World War II, sustained without break over a record period of 15 days. The enemy committed six to seven regiments of armour, Pattons (M-47's and M-48's), tank destroyers, Shermans and Chaffes.

The battle of Phillora was fought on September 11. Skilfully deployed, mutually supporting Indian tank columns executed a flanking movement which separated the enemy armour from his infantry by a deft manoeuvre, cut his armour into separate segments, forced his tanks to close in and then annihilated them piecemeal, with tactical superiority and astonishingly accurate gunnery. As many as 66 enemy tanks were destroyed on that single day for a loss of only six, a notable victory that will find a very high place in the annals of armoured warfare. The Pakistani armour before Phillora was smashed by early afternoon. A little later, Indian infantry units stormed through the Pakistani defences to take the town.

The Indian armour now swung west towards Chawinda on the Sialkot-Pasrur railway, an important link in Pakistan's defence system. A third major tank battle was joined from September 14 to 17. On September 15, Indian forces cut the rail-

way. A toll of 76 enemy tanks was taken during these four days.

Meanwhile other units of the Indian Army cut the Sialkot-Chaprar road and closed in on Sialkot from the north. The Pakistanis resisted fiercely and tried to mount a counter-attack with armour in a bid to get around Suchetgarh but the Indian infantry stood firm. The attack was repulsed. The enemy tried desperately to regain control of the Sialkot-Pasrur railway but without success. When the ceasefire took effect at 3.30 a.m. on September 23, Indian forces held a salient of over 180 square miles, only 4,000 yards from Sialkot at one end and up to and including Alhar railway station near Chawinda at the other. A gross total of 243 Pakistani tanks were knocked out or disabled by infantry and artillery action and by the Indian Air Force, a fairly large proportion of this in Indian-controlled territory and, therefore, a total loss to Pakistan. Indian losses were only a fraction of this figure, the gross tank casualties being reduced to a smaller net figure as a result of prompt recovery and repair.

It is still premature to draw a political balance-sheet of the developments of these historic 22 days. But certain conclusions are obvious. As the Prime Minister put it, after this experience India will never again be what it was before. A new sense of self-confidence has swept the people. India has shed its stupor, its almost endless capacity to be bullied and blackmailed. Preoccupation with high-sounding economic formulae and the nauseating dependence on the holders of purse-strings to enable the Govern-

ment to experiment with them has ended. The nation is now ready for manly tasks to be accomplished by its own toil and trouble. The reaction which greeted American efforts to curtail or stop economic aid and end food supplies is a pointer. India can now be self-reliant, in its own poor but self-respecting way.

Abroad, India's stock is decidedly up. The neighbours who looked down upon the country after the 1962 humiliation at the hands of the Chinese now have a different view of India. The Army, especially, has lived down the stigma of the NEFA debacle. It has had an opportunity to show its mettle. Consequently, the fighting forces now have a new stake in the country's democratic political system. After 1962, as politicians continued to bungle with the affairs of State and discord and defeatism seemed to abound everywhere it was feared that the Army might be forced to stray into the political field and do away with the political set-up. The danger especially loomed large in July 1965 when some Congress politicians from Mysore made a big issue of the future of Goa and demanded its forcible amalgamation with their State. That was the time when the country had just passed through the Kutch crisis precipitated by Pakistan, when the foreign exchange position was precarious, when food shortage and rising prices were breaking down the people's morale and when Pakistan and China mounted a joint diplomatic offensive against India. At that juncture, the merger of Goa and the location of a steel plant were the

burning issues for the politicians. It was widely felt in those days that the politicians having badly let down the country new leadership had to emerge. The 22 days of September have shown that it has already emerged—in the shape of Mr. Lal Bahadur.

But it is a collective leadership. Though the Prime Minister and Mr. Y. B. Chavan bore the brunt of the responsibility, there was consultation at every stage not only with their Cabinet colleagues like Mr. G. L. Nanda, Mr. T. T. Krishnamachari and Mrs. Indira Gandhi but also with the President, Dr. S. Radhakrishnan, and the Congress President, Mr. K. Kamaraj. Mr. Kamaraj, especially, has grown further in stature. In the crucial days of early September when momentous decisions had to be taken, he kept close company with Mr. Lal Bahadur in policy-making. He has outgrown the "Syndicate." So is Mr. Lal Bahadur no longer dependent on its political support. Both these leaders now jointly occupy the position which Jawaharlal held in his life-time in the hearts of his countrymen and the councils of the nation.

The armed conflict with Pakistan has also brought to the surface the latent unity of the Indian nation. Fears of a communal holocaust breaking out as a second front of an Indo-Pakistan war have been belied. The Muslims, especially, have faced the crisis splendidly; in the process the ghost of Hindu communalism has also been laid. It was a heart-warming sight in Ferozepore to see Jan Sangh volunteers heckle Swami Rameshwaranand when he attacked Muslims. Even more than the Muslims,

the smaller minorities like the Christians and the Parsis have washed the country clean of its denominations with their precious blood.

Above all, the world today accepts India as a peace-loving country. Hitherto, when Indians talked of peace it was taken as sign of weakness. What else could a nation of 450 million vegetarians do, foreigners seemed to say. Now Indian professions of peace with honour become meaningful.

The Chinese Puzzle

The Indo-Pakistan fighting was no bilateral affair. Pakistan had from the beginning deployed tanks, jet fighters, heavy artillery and even ammunition received from Washington as aid, thus indirectly involving the United States. Britain which in the past had been hesitant to stop military supplies to South Africa in spite of a directive from the U. N. General Assembly lost no time in halting shipment of military supplies, including spares, purchased in the United Kingdom by India. At the time of the Spanish Civil War, London, however, maintained armament supplies to Gen. Franco *via* Italy. Similarly, the U.K. has lately been trying to beat the American imposed embargo on supply of strategic material to China. But against India, Britain's Labour Prime Minister, Mr. Harold Wilson, acted with great promptitude, displaying an attitude of mind which must have made genuine socialists like the late Mr. Aneurin Bevan and Mr. Hugh Gaitskell turn in their graves.

China was even more directly involved. The Chinese Foreign Minister, Marshal Chen Yi, was hobnobbing with his Pakistani counterpart in Karachi in the initial stages of the Pakistani attack on Chhamb. The controlled Press and radio of

China throughout adopted an anti-Indian tune. To crown it all, at 1 a.m. on September 17, the Indian *Charge d'Affaires* in Peking, Mr. Jagat Mehta, was roused from his sleep and summoned to the Foreign Office to receive a virtual ultimatum. The Note repeated an earlier Chinese allegation of "illegal construction of military works" by India on the Tibetan side of the Sikkim-Tibet border and demanded that "the Indian Government dismantle all its military works for aggression on the Chinese side of the China-Sikkim boundary or on the boundary itself within three days of the delivery of the present Note." "Otherwise, the Indian Government must bear full responsibility for all the grave consequences arising therefrom," it said.

The claims to Indian territory in Ladakh, NEFA and northern Uttar Pradesh and the charge that some Tibetans and 800 sheep and 59 yaks had been "kidnapped" by India were repeated in the Note. It was also asserted that the "U.S. imperialists and their partners, the modern revisionists (meaning the Soviet Union) and the U.S.-controlled United Nations" had all been supporting India.

At the same time, Peking described its attitude to the Indo-Pakistan conflict as "non-involvement." But, the Note went on to say, "non-involvement absolutely does not mean failure to distinguish between right and wrong, it absolutely does not mean that China can approve of depriving the Kashmiri people of their right of self-determination or that she can approve of Indian aggression

against Pakistan, on the pretext of the Kashmir issue."

The so-called military works were bunkers built in September 1962 as fortifications against a Chinese intrusion into Sikkim which seemed imminent then. They were very much on the Sikkim side of the border with Tibet. After the Chinese "unilateral" ceasefire in November 1962 they had not been used by Indian troops. But Peking went on harping on them. The allegation that there were such structures "across" the Tibetan border was first made by China on January 3, 1963. It was then periodically repeated. Subsequently, Peking also talked of similar structures across Jelap La on eastern Sikkim but refused to give the co-ordinates of their location. In March 1963 Peking proposed joint Sino-Indian investigation of its charges. The proposal was repeated subsequently, even as recently as on September 8, 1965. India had been replying that the charge was so fantastic that it did not merit any investigation. Nevertheless, on September 12, India suggested that "an independent and neutral observer" might be deputed to the Sikkim-Tibet border to see for himself if there were any such structures. China turned down the offer saying that there were no independent and neutral observers in the world !

The Prime Minister's reply to the Chinese provocation was dignified but firm, in stark contrast to the abusive language used by Peking. He reiterated that the Chinese charges were baseless

and that there were no such Indian structures on Tibetan territory. Lest Peking should stretch the argument and say that wherever the structures stood was Tibetan territory, Mr. Lal Bahadur reminded Peking that the Sikkim-Tibet boundary was fully demarcated and that there was never any dispute about it. At the same time, he did not want to provide Peking with a pretext to open a second front against India. So China was informed that India had no objection to "a joint inspection of those points on the Sikkim-Tibet border where Indian personnel were alleged to have set up military structures on Tibetan territory." Mr. Lal Bahadur also said that if there were any such installations in Tibet the Chinese could demolish them, instead of asking Indian troops to cross into Tibet and destroy them. In spite of all this, if "we are attacked we shall fight for our freedom with grim determination," the Prime Minister declared.

The ultimatum expired at 10-30 p.m. (IST) on September 20. As zero hour approached, there was resolute calm in New Delhi as well as on the Sikkim border. Jean Louis Arnaud of *Agence France Presse* reported on the afternoon of September 19 from Nathu La that Indian soldiers there were gathering firewood for cooking their evening meal and warming their bunkers! The Western correspondents in India were more excited. They suddenly shed their indifference for India. There was also recognition of India's defence preparedness as distinct from the earlier cocksureness on the part of some of these

journalists that the American-equipped Pakistani army would knock India down like nine pins.

But nearly 24 hours before the expiry of the ultimatum Peking announced its extension by two days. By then it was reported from the U. N. headquarters that there was general agreement among the Security Council members about calling for an immediate ceasefire in the Indo-Pakistan war. This followed visits by the Secretary-General, U Thant, to India and Pakistan. While India had readily agreed to an unconditional ceasefire, Pakistan, though militarily in dire need of cessation of hostilities, put on a posture of strength.

The Chinese ultimatum came when Pakistan was faring badly on the battlefronts with its American-gifted armour dented. That was also the time when international pressure in favour of a ceasefire was mounting. So it was widely and plausibly interpreted that the Chinese intentions were to make Pakistan fight on in the hope that a Chinese attack on India would relieve Indian military pressure on Pakistan. Further to reinforce this impression China extended the deadline for the ultimatum by two days when it became clear that a formal U.N. initiative for a ceasefire was still in the making.

According to military observers, the Chinese moves were even more sinister. India had been trying to avoid extension of the armed conflict to East Pakistan because as Mr. Y. B. Chavan said India had no quarrel with East Bengalis. This was in the face of Pakistani provocations in the

eastern sector. The Pakistan Air Force had bombed Kalaikunda, Barrackpore and Bagdogra. Concentration of Pakistani troops had also been reported on the borders of Assam, Tripura and West Bengal. There was, further, an increase in the number of border incidents in these areas. The Pakistanis were especially probing the narrow neck of territory that connects Assam with the rest of India. A Pakistani thrust in this area in conjunction with a Chinese attack on Sikkim would compel India to force an entry into East Bengal to keep the land link with Assam. Then the entire sub-continent would be enveloped in the flames of war—a consummation Peking devoutly desired.

When the extended deadline also expired, China coolly announced that India had dismantled the structures and that the *casus belli* had ceased to be! The whole world except the poor Chinese people who had no means of knowing the truth laughed at the crude face-saving manoeuvre of the Peking regime! Even the Pakistanis must have been surprised because between September 17 and September 22 the Pakistani Press and radio had been telling them of the Chinese show of might on the Indian borders. Relatively minor incidents provoked by China on the Ladakh and Sikkim borders in this period were presented as instances of Indian pusillanimity in the face of Chinese courage. If so, with the Chinese troops massed on the border how could the Indians enter Tibet and demolish their bunkers, some of the Pakistanis might have asked themselves?

There was another school of thought about the Chinese behaviour. It was that the Peking manoeuvre was meant to prevent a total return of Field Marshal Ayub Khan to the American fold. On September 15, the Pakistan President told a news conference in Rawalpindi that the United States could play an effective role in stopping the Indo-Pakistan war. In the words of a China expert, Roderick MacFarquhar, "the Chinese may have been as puzzled as the Americans apparently were by this rather vague formulation. But the message was clear: Pakistan was inviting American intervention."¹ According to this analysis, Peking did not want Washington to become the peace-maker and arbitrator at the invitation of "China's protege." China wanted to be the Power that forced India to the "conference table" and hence the ultimatum within 36 hours of the Pakistan President's Press conference.

The real snag in the story was that India was always prepared for a ceasefire—except perhaps between September 2 and 6 when the Pakistanis jabbed into Chhamb without India being in control of any Pakistani territory—and did not need to be goaded to the "conference table" as it was called.

A slightly different variation of the theme was that Peking wanted the fighting to end before the U.S. was able to rehabilitate itself in Pakistan by trading political support on Kashmir for the suspended military aid. This theory is substantiated

1. *New Statesman*, September 24, 1965.

by American Press reports of Pakistani chagrin, especially at the Army level, at American failure to maintain arms supplies during the fighting. The reports said Washington had kept Pakistan on a 30-day ration of ammunition and cut off the supply when the fighting started. So Pakistan had found itself almost at the end of its tether by September 20, they added.

Why did the U.S. do so? Was it out of consideration for India? India was apparently nowhere in the American calculations. The effort was merely to hold a satellite in leash and what better way there could be of accomplishing it than starving it of its staple diet. For a military dictatorship like Pakistan armaments are more vital than food and economic development. Earlier, suspension of economic aid by the U.S. had merely the limited effect of stirring the American lobby in Pakistan to action. The Field Marshal did not end his honeymoon with China. Instead, he seemed to embark on open blackmail. He had reportedly made his Foreign Minister, Mr. Z. A. Bhutto, threaten Washington that the American U-2 bases near Peshawar and in Baltistan would be gifted away to China.

The U.S.-Pakistan *entente* has, therefore, to be viewed against this limited background of what can be called horse-trading. Nearly a year before the mutual security pact was formally concluded in 1954, Mr. John D. Jernegan of the United States went on record as saying: "Pakistan has concrete assets to offer to the free world. She has a fine

army which provided a large share of distinguished regiments to the Indian Army before partition—regiments noted for bravery in two world wars. *She has ample manpower to expand the army*". . . . (emphasis added).

In other words, the U.S. strategy was to marry American equipment to Pakistani manpower to produce a war machine which could be used wherever the U.S. wanted. After the Korean experience it was felt that American lives were too precious to be expended in the Asian jungles.

Mr. Howard R. Cottam, the U.S. Deputy Assistant Secretary for Economic Affairs, was more explicit. He told a sub-committee of the Committee on Appropriations of the House of Representatives on April 7, 1961, that "as an example of Pakistan's participation in free world defence President Ayub in 1960 offered to supply troops for possible SEATO action in defence of Laos." Mr. Cottam added that "during the past year the Government of Pakistan stood up firmly to Soviet pressure and threats. She has withstood hostile propaganda attacks not only from the Soviet bloc but also from neutral nations."

It might be argued that this was an old story and that Washington started having second thoughts about Pakistan since 1962 when Pakistan supported China in the armed conflict with India and objected to American arms assistance to India. But the American policy-makers did not probe the Pakistani opposition to Indian defensive strength being reinforced by the U.S. Much was made in the American

circles of Field Marshal Ayub Khan's offer of joint defence to India in 1960. If that had presupposed the existence of a common threat to both the countries what was wrong in Indian defences being strengthened? If, on the other hand, Pakistan had all along wanted to use the American-gifted equipment against India then a strong India would throw a spanner in the works.

But the American policy-makers jumped to a different, facile conclusion. According to them, Kashmir was the root cause of Indo-Pakistan antagonism. So if India could be made to surrender Kashmir to Pakistan there would be no trouble and Pakistan would revert to its pristine glory of a loyal ally. American officials were thinking along these lines as recently as on April 7, 1965. To a question by Senator Lausche on the "apparent conflict" of helping both India and Pakistan, the acting Secretary of State, Mr. George W. Ball, replied that the Indo-Pakistan conflict stemmed from the dispute about "Moslem Kashmir." He added: "Our assistance to Pakistan is based upon developing Pakistan as an effective bastion against the historic movement of the Soviet Union down into the sub-continent through Afghanistan and the Khyber Pass and also on strengthening the defence of the whole SEATO and CENTO area."

It must be recorded here in fairness to Pakistan that that country had never made a secret of what it wanted to do with American arms. Mr. David E. Bell had testified in 1961 that while Pakistan had continued "to reflect a policy in agreement

with ours as against the potential spread of Communist control in that part of the world as represented by the Soviet Union...this policy was complicated by the fact that the Indians were regarded by the Pakistanis as their main enemies." "In the view of the Pakistan Government there was a potential threat all right from the north, from the Soviet Union, but their much more immediate concern and threat they felt was and is from the Indians," he added. Mr. William M. Rountree, who was formerly American Ambassador to Pakistan, went on record to that effect before a sub-committee of the House of Representatives in 1958.

In 1961, Mr. Cottam had talked of a Soviet threat to Pakistan "from the north and east." As will be clear from Mr. Aslam Siddiqui's *Pakistan Seeks Security*, until the advent of the Kennedy Administration in the U.S. there was general agreement between Pakistan and America that India might go Communist and pose a threat to Pakistan. In 1961 Pakistani newspapers played up a *Hindustan Times* report that a representative of the East Bengal Communist Party had attended the Vijayawada Congress of the Communist Party of India.

It will be interesting, in this connection, to note the difference in the Western, especially American, attitudes towards President Ayub Khan and President Seokarno though both have been bending over backwards to woo China. The reason obviously is that there is a strong Communist Party in

Indonesia while in Pakistan it is banned. In this context, it will be apposite to quote an extract from the proceedings of a sub-committee of the House of Representatives. Members were agitated about the Sino-Pakistan civil aviation agreement but the Administration spokesman played it cool.

Mr. Murphy: In the event that China and the U. S. should go to war over Vietnam, what reliance could we place on Pakistan?

Gen. Robert Wood (Director of Military Assistance): I think Pakistan would certainly react to a Chinese attack on Pakistan.

Mr. Murphy: I am not speaking of that. Pakistan has not been attacked. I am speaking of a war between the U. S. and China.

Gen. Wood : I think Pakistan is certainly basically oriented towards the West...."

This was in March 1965.

Almost simultaneously an identical dialogue was going on in a Senate sub-committee. Senator Pastore asked if Sino-Pakistan *entente* got "any more serious we might have to pull out. Well, the moment we do that we have sent down the sewer over two billion dollars in economic aid and we have sent down the sewer (figures deleted for security reasons though it is well known that the military aid is also of the same magnitude) in military assistance." To that Mr. William B. Macomber's (Assistant Administrator, Bureau for Near East and South Asia) confident reply was: "Pakistan is still a member of the free world. It is still basically a friend of the U.S."

In short, a tussle is on between Washington and Peking for the allegiance of Pakistan. It also means that India cannot count on either the U.S. or China as long as the conflict with Pakistan lasts.

Jawaharlal's Will

The following is the published part of Jawaharlal Nehru's Will and Testament :

I have received so much love and affection from the Indian people that nothing that I can do can repay even a small fraction of it, and indeed there can be no repayment of so precious a thing as affection. Many have been admired, some have been revered, but the affection of all classes of the Indian people has come to me in such abundant measure that I have been overwhelmed by it. I can only express the hope that in the remaining years I may live, I shall not be unworthy of my people and their affection.

To my innumerable comrades and colleagues, I owe an even deeper debt of gratitude. We have been joint partners in great undertakings and have shared the triumphs and sorrows which inevitably accompany them.

I wish to declare with all earnestness that I do not want any religious ceremonies performed for me after my death. I do not believe in any such ceremonies and to submit to them, even as a matter of form, would be hypocrisy and an attempt to delude ourselves and others.

When I die, I should like my body to be cremated. If I die in a foreign country, my body should be cremated there and my ashes sent to Allahabad. A small handful of these ashes should be thrown into the Ganga and the major portion of them disposed of in the manner indicated below. No part of these ashes should be retained or preserved.

My desire to have a handful of my ashes thrown into the Ganga at Allahabad has no religious significance, so far as I am

concerned. I have no religious sentiment in the matter. I have been attached to the Ganga and the Jumna rivers in Allahabad ever since my childhood and, as I have grown older, this attachment has also grown. I have watched their varying moods as the seasons changed, and have often thought of the history and myth and tradition and song and story that have become attached to them through the long ages and become part of their flowing waters. The Ganga, especially, is the river of India, beloved of her people, round which are intertwined her racial memories, her hopes and fears, her songs of triumph, her victories and her defeats. She has been a symbol of India's age-long culture and civilization, ever-changing, ever-flowing, and yet ever the same Ganga. She reminds me of the snow-covered peaks and deep valleys of the Himalayas, which I have loved so much, and of the rich and vast plains below, where my life and work have been cast. Smiling and dancing in the morning sunlight, and dark and gloomy and full of mystery as the evening shadows fall; and narrow, slow and graceful stream in winter, and a vast roaring thing during the monsoon, broad-bosomed almost as the sea, and with something of the sea's power to destroy, the Ganga has been to me a symbol and a memory of the past of India, running into the present, and flowing on to the great ocean of the future. And though I have discarded much of past tradition and custom, and am anxious that India should rid herself of all shackles that bind and constrain her and divide her people, and suppress vast numbers of them, and prevent the free development of the body and the spirit; though I seek all this, yet I do not wish to cut myself off from that past completely. I am proud of that great inheritance that has been, and is, ours, and I am conscious that I too, like all of us, am a link in that unbroken chain which goes back to the dawn of history in the immemorial past of India. That chain I would not break, for I treasure it and seek inspiration from it. And as witness of this desire of mine and as my last homage to India's cultural inheritance, I am making this request that a handful of my ashes be thrown into the Ganga at Allahabad to be carried to the great ocean that washes India's shore.

The major portion of my ashes should, however, be disposed of otherwise. I want these to be carried high up into the air in an aeroplane and scattered from that height over the fields where the peasants of India toil, so that they might mingle with the dust and soil of India and become an indistinguishable part of India.

JAWAHARLAL NEHRU

APPENDIX TWO

Orissa Charges

The Prime Minister made the following statement in Parliament on February 22, 1965, on the disposal of charges of corruption against Chief Ministers and ex-Chief Ministers:

Mr. Speaker, Sir,

As the House is aware, a memorial dated 28th July, 1964, containing allegations against Shri B. Patnaik, Shri Biren K. Mitra and some Ministers of the Orissa Government was submitted to the President on 13th August, 1964. The Memorial was signed by Shri Rajindra Narain Singh Deo, Leader of the Opposition in the Orissa Vidhan Sabha and 62 others of that State. Supplementary memoranda were submitted to the President on 21st September, 1964, and on 12th October, 1964.

I requested a Committee consisting of some of my Cabinet colleagues to examine the matter.

The Home Minister sent the Memorial dated 28th of July along with a statement of the supplementary allegations to Shri B. Patnaik and Shri Biren Mitra for their comments. Shri Biren Mitra was further informed that where an allegation was against any of his colleagues in the State Cabinet, he might also wish to have their comments before making his own observations.

The Committee carefully examined the comments received from Shri B. Patnaik, Shri Biren Mitra and the Ministers concerned. The Committee came to the conclusion that their examination of the material available did not reveal that Shri Patnaik or Shri Biren Mitra personally derived any pecuniary benefit from the various transactions in which they were concerned. The Committee, however, found that in several transactions, improprieties were definitely involved for which respon-

sibility had to be borne by Shri Patnaik and Shri Mitra. The Committee felt that the normal standards of public conduct had not been maintained. The findings of the Committee which were accepted by the Central Cabinet were communicated to Shri Patnaik and Shri Mitra. Shri Mitra has since submitted his resignation from the office of the Chief Minister of Orissa. Shri Patnaik has resigned from the Chairmanship of the State Planning Board and does not now hold any office under the State Government.

In regard to Shri Nilamoni Routray certain allegations related to a period during which he was not a Minister. The Committee felt that it would not be appropriate to consider those allegations. In regard to another allegation relating to a period when he was a Minister, the Committee came to the conclusion that there was not sufficient material to justify any adverse inferences being drawn against him. Similarly, in the cases of Shri Sadashiv Tripathy and Shri Brindaban Naik, the Committee found that there were no grounds for any adverse inference being drawn.

A letter dated the 23rd July, 1964, containing allegations against Mysore Chief Minister was received from Shri R. K. Prasad, President, District Congress Committee, Kolar, and nine members of the Mysore Legislature. A communication dated 5-8-1964 signed by twenty persons, 17 MLAs and two MLCs of Mysore State and one M.P., was also received. As requested by the Chief Minister, Mysore, the Home Minister sent to him for his comments copies of the above documents on 13th August, 1964. The Chief Minister sent his comments on 16th November, 1964, along with the comment. of other Ministers of his Cabinet against whom too allegations had been made.

A memorandum was presented on 17th December, 1964, to the President by 25 MLAs and 3 MLCs of Mysore. All the allegations made in this memorandum were covered in the earlier communication sent to the Home Minister.

The same committee of the Cabinet was requested to consider this matter also. On a consideration of the allegations against the Chief Minister and some of the Ministers of Mysore and the

available material and comments, the Committee came to the conclusion that there was no ground for the Central Government to take any further action.

A memorandum containing allegations against Chief Minister, Bihar, and some of his colleagues signed by 6 MLAs and 3 MLCs. of Bihar State and one MP was received by the President on the 14th October, 1964. It was sent to the Bihar Chief Minister for his comments. On a consideration of the allegations and the material gathered thereon, the Cabinet Committee came to the conclusion that there were no grounds for the Central Government to take any further action.

I know some Hon'ble Members may like to pursue this matter further. But I would submit to the House that the Cabinet Sub-Committee has devoted much time to it and made a very careful examination. On the basis of their findings, I came to the conclusion that it is only in the case of Orissa that some action was called for. Shri Biren Mitra and Shri Patnaik have already tendered their resignations. I would appeal to you that this matter be allowed to end there. We who are privileged to hold public offices and positions of responsibility should always fully realise the need for the maintenance of the right standards of conduct. Only then will we deserve public confidence and support. At the same time we should give no encouragement to the creation of an atmosphere of distrust and suspicion. Effective administration then becomes difficult. If we bury the past and look ahead, I feel confident that we will open a new chapter.

APPENDIX THREE

Kairon Affair

The following Note by Jawaharlal Nehru on the charges of corruption against Mr. Partap Singh Kairon was released to the Press on October 25, 1964 :

Some time ago, the President received a deputation led by some leaders of the Opposition parties in the Punjab Assembly. This deputation presented a memorandum to the President, containing a number of charges against the Chief Minister of the Punjab, Sardar Partap Singh Kairon. The President was pleased to send this memorandum to me for such steps to be taken as might be considered necessary. I forwarded a copy of the memorandum to the Punjab Government for their comments thereon. Later these comments were sent to me in some detail.

About five and a half years ago, the then Congress President had received a set of charges against the Chief Minister, Sardar Partap Singh Kairon. He had referred these charges for inquiry to a committee of leading Congressmen. The opinion of this committee on these charges was given to the Congress President in May 1958. This opinion was, I think, published in the press on or about May 20, 1958.

The committee had referred to the background of the Punjab and of the Congress Party and to the various agitations started in the Punjab based largely on communal grounds. There was the Hindi agitation against the Regional Formula relating to languages ; the Akalis also carried on a counter-agitation. The Punjab, the committee said, had become a battleground of communal forces and the whole atmosphere of the State was vitiated. The Government had thus to deal with very difficult situations. Sardar Partap Singh Kairon emerged from this long trial of strength with credit and with enhanced reputation so far as the

administration was concerned. The Committee further said that "Sardar Partap Singh's reputation, during his long career of public service, has been of a man of personal integrity and of complete freedom from communal bias. He is a man of the people, simple in his life and devoting his great energy to the work for which he was responsible. His great virtues partly became his defects. His constant tours, more especially in the rural areas, led to a lesser degree of time and interest being given to the normal work of administration, and his anxiety to deal with problems on the spot and with speed led sometimes to his bypassing normal administrative procedures.... This has been the broad background of the Punjab during the past year and no government there has had an easy time. The people are virile and hard working and full of vitality, the peasantry are tough, capable and resourceful, the city people are also full of initiative. Some of the best engineers and mechanics come from the Punjab. The very vitality of the people spills over sometimes into conflict and there is a tendency to create factions, which is reflected in the political life of the Punjab."

The committee finally said that "it is for the Congress Party in the Legislature to indicate in the normal way whether they have confidence in him as Chief Minister or not."—Subsequently on many occasions the Congress Party, which is in a great majority in the Legislature, expressed their confidence in their Chief Minister.

The memorandum presented to the President this year, containing various charges against the Chief Minister, repeated some of the old charges which had been brought in 1958. There were further charges added on to these. A copy of this memorandum, as I have stated above, was sent to the Punjab Government and they replied to it at some length. I deeply regret that there has been delay in my dealing with this matter. This was partly due to the heavy work that I had to face in Parliament and otherwise as Prime Minister. Also to some extent by other developments, among them being the judgement of the Supreme Court in a case in appeal. This case was originally based on a petition filed by Dr. Partap Singh, a surgeon, under Article 226 of the

Constitution against the State of the Punjab. The High Court of the Punjab dismissed the petition and Dr. Partap Singh thereupon came in appeal to the Supreme Court. The Supreme Court, by a majority of three to two judges, allowed the appeal. This majority judgement of the Supreme Court is thus the judgement of the Court and has necessarily to be acted upon and is binding on the parties to the case and, insofar as the law declared by the Supreme Court is concerned, is binding on all courts within the territory of India.

The question arises as to how far the decisions of the Supreme Court on questions of fact are equally binding on persons who are not parties in the case. The general principle in regard to decisions of a Court on a question of fact has been well recognised as binding only on the parties to the case. It is clear, therefore, that any person who is not a party to a case cannot be said to be bound by any decision in regard to fact.

When this case was originally filed in the High Court of the Punjab, the Chief Minister, Sardar Partap Singh Kairon, was not impleaded. Later an application was made by the petitioner Dr. Partap Singh for impleading Sardar Partap Singh Kairon on the following grounds :

“For the fair and impartial trial of the petition it is necessary that the personal affidavits of the persons concerned should be in this High Court and until and unless the person concerned is party to the petition he is not under any legal obligation to put in a statement.”

The High Court dismissed the petition on the ground that Sardar Partap Singh Kairon was not a necessary party and that no relief had been claimed against him. A Letters Patent appeal against this order was dismissed by a Bench of the High Court and, in consequence, Sardar Partap Singh Kairon was not made a party to the writ petition.

A question subsequently arose whether in the circumstances Sardar Partap Singh Kairon should file an affidavit or otherwise give any evidence in this case. He was advised by eminent counsel against it. Sardar Partap Singh Kairon was thus not a party to the writ petition, either in the High Court or in the Sup-

reme Court. As stated above, it is a well recognised principle and practice that the decision of a court on a question of fact is binding only on the parties to the case. The judgment of the Supreme Court on questions of fact is thus binding only between the State and Dr. Partap Singh, the petitioner-appellant in the Supreme Court.

The question then arises as to whether the Chief Minister is compelled to resign because of the adverse findings on some questions of fact by the Supreme Court. This involves an examination of the relationship between a Minister on the one hand and the Legislature and the Governor on the other. Under Article 164 of the Constitution, the Chief Minister and other Ministers are appointed by the Governor and they hold office during his pleasure. The Council of Ministers are collectively responsible to the Legislative Assembly of the State. Under the Law, the authority having power to make an appointment shall also have the power to suspend or dismiss any person appointed in exercise of that power. Thus, the Governor has the power to dismiss or suspend the Chief Minister. This power is however exercised by him only where the Legislature, to which the Ministers are collectively responsible, expressed their wish by means of a vote of no confidence or an adverse resolution. If the Governor exercised the power of dismissal against the wishes of the Legislature, there would be likelihood of a deadlock. Thus, ordinarily the proper forum for the determination of the question of unfitness of a Chief Minister is the legislature. In a Federal constitution the State Legislature is supreme within its own sphere. When acting within the limits prescribed by the Constitution, the powers of the State Legislature are large and of the same nature as those of Parliament.

The act, the propriety of which is in question, was done by the Minister in the discharge of his duties. The Ministers are collectively responsible to the Legislature. Therefore the matter was one which concerned the Legislature and could properly be examined, discussed and adjudged in the Assembly. As a rule, therefore, the question of removing a Minister would not arise unless the Legislature expressed its wish by a majority vote

in the manner suggested above. The public interest would be the principal consideration to be borne in mind by the Governor, as well as the consequences of the action he might have to take.

Another question arises, as to whether the Central Government can give any directions to the Governor requiring him to dismiss the Chief Minister concerned. Normally, under provincial autonomy, the Central Government, or even Parliament are not entitled to interfere in a matter which is the prerogative of the State Legislature. How far does a proclamation of emergency give special power or authority to the Central Government in such a matter? Article 353 of the Constitution deals with the proclamation of emergency. This Article could only be exercised as an emergency measure in a situation arising out of the emergency and only in relation to that situation. The Article does not give power to the Union to give directions to the State to dismiss the Chief Minister. It thus appears clear that the Union Government has no power or authority to issue such directions to the State Government.

There is another aspect of this question which is not legal or constitutional: Would it be desirable in certain circumstances for private and personal advice to be given to the Chief Minister to resign? In the circumstances that prevail in India there is little doubt that if I, as Prime Minister or in any other capacity, advised the Chief Minister to resign, he would abide by my advice. I have given careful thought to this matter and am clearly of opinion that I should not give any such advice in this particular case.

An even more important consideration to keep before me is the public effect of such advice. For me, as for others, public interest must be the dominant consideration. The Punjab is a border province especially affected by developments with our neighbour countries. While this has been so ever since Independence, it is very much more so since the emergency that has arisen because of the Chinese invasion. The conditions in the Punjab are therefore of very special importance and nothing should be done which adversely affects the situation there and weakens India's position in this emergency. Fortunately the

Punjab, under Sardar Partap Singh Kairon's leadership, has played a very important part in this emergency and has provided both men and resources in a very considerable degree. Any step taken which might disturb this atmosphere in the Punjab and weaken the administration would be most unfortunate and harmful. It is generally recognised that in recent years the Punjab has made considerable progress in industry and agriculture and production and per capita income have gone up considerably. Even the law and order situation in the Punjab has improved recently and compares favourably with that in the other States of India. It is thus a progressive and dynamic State which is making rapid advances in many fields. The old conflicts, chiefly based on communal considerations or languages, are not in evidence there now although some elements in the Punjab would like to encourage such conflicts. Any change in the leadership in the Punjab might well result in producing confusion and putting a stop to the great progress that Punjab is making, and encouraging fissiparous and communal elements to gain more prominence. Sardar Partap Singh Kairon has been largely identified with this progress in many directions and, more especially, with the steps taken to meet the emergency. He is a popular figure in the Punjab both in the civil and army circles, and to remove him would greatly disturb the people in the Punjab as a whole.

For these reasons, I think it would have been and would be a very wrong thing for me to advise him to resign. The public interest would no doubt suffer if any such development took place. Thus, both because of legal and constitutional reasons as well as those of public interest, I am clear in my mind that I should not give this advice.

I shall now deal with the memorandum presented to the President by a deputation led by some leaders of the Opposition parties in the Punjab Assembly. This memorandum contained a number of charges against the Chief Minister. I should like to make it clear that these charges have nothing to do with the appeal that came up before the Supreme Court. They are in

no way related to that appeal and have thus to be considered entirely separately.

All these charges were sent by me to the Punjab Government and they have been good enough to supply me with full explanations and comments on all these charges. Most of these charges are denied. In regard to others, explanations have been given and further facts and papers supplied. I have looked through this additional information and papers. I have not done so as carefully as I would have liked to. I felt it was not necessary in view of the recommendation I propose to make to the President to have an inquiry made into these charges by a high authority. Many of these charges have been repeated year after year and it is desirable that a final determination should be made in regard to them. It is our duty, from the point of view of maintaining high standards and conventions in public life and administration, to give full consideration to any serious charges that might be made. It is at the same time our duty to protect persons in high and responsible positions from harassment and unfair charges. It is unfortunately true that all kinds of charges are made against public men without much substance in them. As Lord Denning in a recent enquiry in the United Kingdom said, public men have become more vulnerable since scandalous information is a marketable commodity which has buyers. By sheer repetition of a charge which may have no real foundation, it is hoped that some impression will be created of the truth of that charge. Normally, only charges which have some *prima facie* substance in them should be subjected to a regular inquiry. In the present case, I am not in a position to say that these charges have *prima facie* any substance in them. Nevertheless, since they have been made to our President and they have been repeated often in the Press and platform, I think an inquiry is desirable.

Such an inquiry should be made by a high authority under the Commissions of Inquiry Act of 1952. Within the terms of that Act, the inquiring authority will have full freedom to lay down its own procedure. This Act states that the inquiry may be either public or private and in camera. I think that

it will be desirable to have a private inquiry. Any public inquiry of this type is likely to create public excitement which is not desirable and which interferes to some extent with the atmosphere in which such an inquiry should be conducted.

In a recent inquiry held by Lord Denning in England, in a matter which had attained some notoriety, it was decided that that inquiry should be in private. That inquiry was chiefly concerned with the national interest and national security and in regard to the conduct of Ministers and the Prime Minister's responsibility for his team and also his own regarding what is called the Profumo Affair. No Minister in the British Government was asked to step down during the inquiry. Lord Denning declined to divulge the names of allegedly involved Ministers on the ground that "people were better off for not knowing what was not true." It was found that there were evident failures in security. Nevertheless, the Home Secretary, the Minister concerned, did not resign, nor was any security officer asked to resign or was suspended during the inquiry. It was held by Lord Denning that certain responsibility attached to Prime Minister Macmillan but that no blame could be ascribed to him. Lord Denning's approach appears to have been that the entire complex of matters concerning the storm that had arisen had to be taken into account and while the truth about the Prime Minister or other Ministers had all to be considered, it was more important that the suspicion about British security had to be cleared in the national interest.

Although the inquiry which Lord Denning conducted was of an entirely different character, it is useful I think to bear that in mind in any inquiry which we may have concerning Ministers or other high functionaries. The public interest has to be the guiding factor.

It would be undesirable, I think, in the inquiry that is being suggested by me, that the Chief Minister of the Punjab, Sardar Partap Singh Kairon, should be asked to resign in the course of this inquiry. That would imply that *prima facie* there was some truth in the charges made. I do not think we can proceed on that basis. Also, his resignation would not, I think, be in

the public interest and might well create a situation which would be against the public interest, as I have stated earlier in this note. There is no reason to believe that his continuance as Chief Minister during the course of the inquiry will affect the inquiry itself.

The inquiry should be limited to the charges made in the memorandum presented to the President on July 13, 1963. Some of the charges made are vague and some others appear to be repetitions. The exact issues to be inquired into should therefore be cleared up on the basis of these charges before the inquiry begins. Also, it would be necessary for those who make the charges to make themselves fully responsible for them. Indeed, in their memorandum, they themselves state that "the deputationists wish to submit that they are sponsoring the charges with a public sense of responsibility and gravity and hold themselves responsible for the veracity of the same." This should be made clear in regard to each of the charges to be inquired into.

I would, therefore, respectfully recommend to the President to have an inquiry made by a high authority into the charges made against the Chief Minister of the Punjab, Sardar Partap Singh Kairon, as detailed in the memorandum presented to him on the 13th July, 1963. The inquiry may be made under the Commissions of Inquiry Act, 1952, as a private inquiry, and the inquiring authority will have power to fix his own procedure and may summon such witnesses as it may consider necessary, and allow counsel to appear.

JAWAHARLAL NEHRU

APPENDIX FOUR

Santanam Report

The Santanam Committee made the following recommendations in respect of charges of corruption against politicians:

There is a large consensus of opinion that a new tradition of integrity can be established only if the example is set by those who have the ultimate responsibility for the governance of India, namely, the Ministers of the Central and State Governments. In the interest of the future of public life, the following steps should be taken :

(i) A code of conduct for Ministers including the provisions suggested for public servants relating to acquisition of property, acceptance of gifts and disclosure of assets and liabilities should be drawn up. This code of conduct should be placed before Parliament and State Legislatures. The Prime Minister and Chief Ministers should consider themselves responsible for enforcing the code of conduct.

(ii) Specific allegation of corruption on the part of a Minister at the Centre or a State should be promptly investigated by an agency whose findings will command respect. If a formal allegation is made by any 10 members of Parliament or a Legislature in writing addressed to the Prime Minister or Chief Minister, through the Speakers and Chairmen, the Prime Minister or Chief Minister should consider himself obliged, by convention, to refer the allegations for immediate investigation by a Committee as has been suggested hereinafter.

This would be in addition to the responsibilities of the Prime Minister and Chief Ministers of States to take note of allegations made in the Press or which otherwise come to their notice. In respect of such allegations also the Prime Minister and the Chief Ministers should be free to refer the matter to the Committee refer-

red to above. In all other cases the Ministers against whom the allegations are made should, as a rule, institute legal proceedings by filing a complaint for criminal defamation and the Ministers concerned should be given legitimate assistance by the Government of which they are Ministers.

In cases where the Ministers are unwilling, the Prime Minister or the Chief Ministers of States, as the case may be, should consider themselves, obliged by convention, unless there is irrefutable proof of integrity of the Minister concerned, to advise the President or the Governor, as the case may be, to withdraw his pleasure, which would mean the Minister will have to go out of office, unless he himself resigns.

The Central Vigilance Commission should not deal with complaints against the Ministers nor would it be desirable to establish any permanent tribunal. The proper course would be for the President to constitute, on the advice of the Prime Minister, a "National Panel". Whenever allegations against a Minister require to be inquired into an *ad hoc* committee should be selected out of this national panel by the President. The Committee may consist of three persons one of whom at least should have held or should be holding a high judicial office. It should be the duty of the Committee to ascertain whether there is a *prima facie* case. The Committee should have the power to direct the Central Bureau of Investigation, in suitable cases, to investigate and report. If the Committee wishes to make any inquiries otherwise than through the Central Bureau of Investigation, it should be given all the necessary facilities and assistance including free access to all documents, files, etc., without being hampered by any claim of privilege. On the completion of the inquiries either through the Central Bureau of Investigation or otherwise the Committee should consider the available material and advise as to further action, if any, that may be necessary. It may advise that a regular case be registered for investigation with a view to prosecute the Minister concerned or a commission of inquiry under the Commissions of Inquiry Act, 1952 be appointed. If the Committee makes such a recommendation the Minister should resign as a matter of convention and should remain out of office till the completion of the

proceedings. If the Minister is found guilty of the allegation or is found to have been corrupt he should be dismissed and should also become ineligible for becoming a Minister or for holding any elective office. The necessary legal instruments for giving effect to this provision should be brought into existence. Until such time as the necessary legislation is made, there should be a convention which would give effect to this provision. As publicity would be an effective instrument there should be a convention that the findings of the Committee would be placed before Parliament or State Legislatures. Suitable legal provisions should be made to afford protection from proceedings for defamation in regard to the proceedings and the findings of the Committee.

The integrity of Members of Parliament and of the Legislatures in the States will be a great factor in creating a favourable social climate against corruption. It has been talked about that some Members use their good offices to obtain permits, licences, and easier access to Ministers and officials for industrialists and businessmen. In the case of legislators who are in the employment of private undertakings for legitimate work, it is desirable that such legislators should declare the fact of such employment so that it may be open and known. Such legislators should not approach Ministers or officials in connection with the work of the employers and also should not participate in the discussion or voting on demands or proposals in which the undertakings or firms are interested. Other legislators, who are not such *bona fide* employees, should on no account undertake, for any valuable consideration or other personal advantage, to promote the interests of or obtain favours for any private party either in the legislature or with Government. It is desirable that a code of conduct for legislators embodying these and the other principles should be framed by a Special Committee of the Parliament and Legislatures nominated by the Speakers and Chairmen. The code should be formally approved by resolutions of Parliament and the respective Legislatures and any infringement of the code should be treated as a breach of privilege to be inquired into by the Committee of Privileges. If a breach is established, action, including termination of

membership, may be taken. Necessary sanctions for enforcing the code of conduct should also be brought into existence.

The conduct of political parties should be regulated by strict principles in relation to collection of funds for electioneering. A total ban on all donations by incorporated bodies to political parties and for political purposes will clear the atmosphere. All political parties should keep a proper account of their receipts and expenditure and should publish annual audited statement of such accounts giving details of all individual receipts. Failure to do this should debar a political party from recognition by the Election Commission, the postal authorities and banks. Those who receive donations for political purposes should have to account for them in their own audit account and include them in their total income for purposes of income-tax.

Central and State Governments should make it a point to scrutinise carefully all complaints and allegations appearing in responsible newspapers and investigate them thoroughly. Editors and reporters should be encouraged under a pledge of secrecy to communicate to the Chief Vigilance Officers or the Central Vigilance Commission about suspected corrupt practices and all such reports should be promptly inquired into. The Press should be informed of the result.

Drastic action should be taken against irresponsible newspapers which make reckless allegations. It should be the invariable practice to prosecute such newspapers unless they can establish the truth of their allegations. It should not be left to individual officers or Ministers to take such action and, for this purpose, the existing law and procedure must be reviewed.

Voluntary public organisations willing to assist Government in combating corruption should be invited to co-operate with the Government in the fight against corruption. The reports from organisations should be protected and treated as confidential unless the organisations concerned agree to their publication.

The responsible heads of the Panchayat Raj institutions, namely, the sarpanches, the chairmen and presidents of the panchayat samitis and zila parishads should consider it a part of

their duties to report to Government all cases in which corrupt practices are suspected. The enthusiasm of these persons can be maintained only if their reports are given prompt and serious consideration, and they are informed of the results of investigations based on such reports.

It is desirable to create a situation in which those officials who have been found guilty of corruption feel not only that they have lost their jobs but also feel socially degraded.

A similar mobilisation of public opinion against persons who corrupt the officials or evade taxes, or indulge in other anti-social practices is necessary. Ministers and high officials should take particular care to avoid any situation which is likely to create the impression that such persons enjoy their confidence, support or patronage.

It should be one of the important functions of the Central Vigilance Commission to explore all possible methods of mobilising public opinion against corruption in public life and public services. It should become the fearless champion of integrity and fair dealing.

Our general recommendations relating to conduct rules, disciplinary rules, preventive measures and procedural matters relating to contracts, purchases, etc., will apply to the Ministry of Defence and its establishments except in so far as other provisions have been made in the Army, Navy and Air Force Acts.

The Chief Justice of India in consultation with the Chief Justices of the High Courts should arrange for a thorough inquiry into the incidence of corruption among the judiciary, and evolve, in consultation with the Central and State Governments, proper measures to prevent and eliminate it. Perhaps the setting up of vigilance organisations under the direct control of the Chief Justice of every High Court co-ordinated by a Central Vigilance Officer under the Chief Justice of India may prove to be an appropriate method.

The University Grants Commission and the Inter-University Board should take immediate steps to institute an inquiry into the malpractices that may be prevailing in the universities and evolve measures to fight them.

An important condition of assistance given to non-official organisations should be that these bodies are free from any corrupt practices, and measures, including audit, should be devised to enforce this condition.

APPENDIX FIVE

Orissa Enquiry

The Speaker of the Lok Sabha, Mr. Hukam Singh, permitted on March 3, 1965, a P.S.P. member, Mr. H. V. Kamath, to lay on the table of the House the following documents purported to be the findings of the Cabinet Sub-Committee into charges of corruption against some Orissa politicians and a summary of the report of the Central Bureau of Investigation on some of the charges :

The Sub-Committee has held several meetings to consider in detail such of the allegations against the former and present Chief Ministers of Orissa in regard to which the Central Bureau of Investigation have submitted their Report on the basis of records obtained by them from the State Government and without taking recourse to open inquiry. On the basis of the material made available to the Bureau, questionnaires were drawn up and sent to Sarvashri B. Patnaik and B. Mitra; the Sub-Committee have taken into consideration the replies furnished by them. The Sub-Committee have also discussed the matter personally with Shri Patnaik.

The Sub-Committee have studied the various allegations relating to the conduct of Shri Biju Patnaik and Shri Biren Mitra relating to the period during which they were the Chief Minister and Deputy Chief Minister respectively of the State of Orissa (from 23rd June, 1961 to 2nd October, 1963) and all the evidence and materials connected with them. The allegations are briefly summarised below and the conclusions of the Sub-Committee are also given in respect of such allegations.

The allegation is that, shortly after they assumed office, they had a circular issued by the Finance Department of the State Government on the 17th November, 1961, directing the Depart-

ments of the State Government to purchase vehicles, stores and other materials only through local dealers within the State and that this was done in order to benefit concerns in which they and their relations had personal interest.

Having regard to the explanations given by Shri Patnaik and the representatives of the Orissa Government and the fact that orders were also in fact placed on dealers other than Orissa Agents, of which Shri Mitra's wife was the sole proprietor, the Sub-Committee find it difficult to conclude that this circular was issued only for the purpose of benefiting concerns in which they or their relations had personal interest. It is a fact that at the relevant time sales tax payable by Orissa dealers in Orissa was much higher than the sales tax paid by inter-State trade and by outside dealers and a properly worded circular designed to equate the position of Orissa dealers with dealers from outside would not have been improper. But the Sub-Committee feel that the circular was not properly worded and as was pointed out by responsible officers of the Government at that time it was liable to be misunderstood that unlimited price preference could be given to local dealers. The Sub-Committee, however, find that in the actual working of the circular outside dealers were precluded from securing orders which might have given the State better prices. The Sub-Committee also find that it resulted in preference being shown to Orissa Agents, a firm owned by the wife of the then Deputy Chief Minister, in a number of cases. The circular may therefore be described as improper, unwise and indiscreet.

The allegation is that, during the period in question, Orissa Agents made large supplies of various items to the State Government, most of such purchases having been made by the State Government through irregular procedures and at unduly high rates, and this was done notwithstanding the fact that this concern belonged to the wife of Shri Mitra.

It is admitted that various orders for G.I. pipes were placed with Orissa Agents by different departments of the Government during the period when Shri Patnaik was the Chief Minister. Some of these orders were placed on inquiry tenders and some

without tenders. Others were placed after calling for tenders. But irrespective of whether these goods could have been purchased at lower rates than those charged by Orissa Agents, having regard to the fact that the recipient of the orders in each case was a firm of the wife of the Deputy Chief Minister, the Sub-Committee find that the placing of orders without tenders or even on inquiry tenders was irregular and improper and should not have been done. The Sub-Committee feel that as the Orissa Government was dealing with a firm owned by the Deputy Chief Minister's wife a higher standard of scrutiny and examination was called for. It has, however, not been proved that Mr. Patnaik has received any personal benefit by these orders.

The allegation is that Shri Patnaik was responsible for the appointment of one Shri Srinivasan as Chief Engineer-cum-Administrator of the Paradeep Port Project through irregular procedures and on unjustifiably favourable terms and, further, that this was relatable to the fact that immediately on such appointment Shri Srinivasan made certain unnecessary purchases on excessive price and other terms only to benefit concerns in which Shri Patnaik was interested.

It is a fact that Shri Srinivasan was appointed on terms which appear to the Committee rather favourable. Within a few days of his appointment, he recommended the placing of a large order on Kalinga Industries for tubular trusses and these orders were in fact later placed under the direct approval of Shri Patnaik. The Sub-Committee are not satisfied that those orders were dictated by urgency as claimed. The Sub-Committee are also satisfied that necessary precautions were not taken and proper scrutiny not made, as were required when dealing with a concern with which the Chief Minister was so closely associated, whether or not the prices given to Kalinga Industries were higher or not than could have been obtained by proper tenders.

The allegation relates to similar purchases, of the same material (tubular trusses), from the same concern by various departments of the State Government during the period under question.

The only factor distinguishing these purchases from the particular purchase mentioned earlier was that in these cases the purchase orders were not passed by Shri Patnaik himself. The Sub-Committee, however, consider that this fact does not make an essential difference as the purchases were broadly of the same pattern. The Sub-Committee held Shri Patnaik no less responsible for the impropriety involved in these purchases.

The allegation is in regard to 90.63 acres of land belonging to the State Government which had been continuing in illegal possession, since 1946-47, of concerns in which Shri Patnaik and his family were interested.

On the 18th August, 1960, the State Government had sanctioned the lease of this land to that concern at the rate of Rs. 400/- per acre. That concern took no further action by way of an appeal or representation till 20th August, 1961, i.e., for a period of over one whole year, but made such a representation within two months of Shri Patnaik's assuming office. Thereupon, the rate fixed earlier was reduced from Rs. 400/- to Rs. 100/-. This downward revision of the rate after the orders had been passed is in the opinion of the Sub-Committee open to question. As the beneficiary was a concern in which Shri Patnaik's family was interested, it was also altogether improper. The actual orders of revision were passed by the Revenue Department of the State Government with the approval of Shri Patnaik himself as Finance Minister and he must therefore bear responsibility for this impropriety.

The Sub-Committee have also looked into the circumstances concerning the following three allegations and, on the materials available, find as follows :

(a) The allegation is in regard to a notification issued by the State Government on the 31st August, 1963, exempting payment of stamp duty amounting to Rs. 97,000/- in connection with a loan of Rs. 97 lakhs taken from the Industrial Finance Corporation of India by a concern in which Shri Patnaik and his family were interested.

Further investigation has revealed that there was an existing agreement which was arrived at prior to Shri Patnaik becoming

the Chief Minister that the stamp duty in this case should be borne by the State. The charge therefore fails.

(b) The allegation relates to the transfer of the Low Shaft Furnace at Barbil to the Industrial Development Corporation of the State Government with effect from the 1st April, 1963.

It is admitted that this plant belonged to a concern in which Shri Patnaik and his family were interested, and that the initiative for the transfer was taken by Shri Patnaik after he assumed office and that the transfer was completed while he was in office. It is also admitted that Shri Patnaik took personal interest in having the arrangements completed and the terms of transfer settled. On the material available, however, while different views can be expressed as to the manner in which the valuation was done or the terms settled as compared to other ways in which all this could have been done, in view of the particular terms of the transaction and the profits the project appears to have made so far since the transfer, the Sub-Committee do not find any reason to hold that undue loss to public funds was caused or any undue gain to Shri Patnaik or to the concern in which Shri Patnaik is interested.

(c) A number of allegations relate to certain mines that had been worked since 1952 by concerns in which Shri Patnaik and his family have been interested, non-payment of royalty by those concerns, and a compromise in court on the 28th November, 1961, between those concerns and the State Government in litigation relating to those royalty payments.

The Sub-Committee find that the mines in question were being worked by those concerns for about nine years before Shri Patnaik assumed office, and that, long before he assumed office, the alleged arrears of royalty had started accumulating. It is also found that such alleged arrears of royalty had accumulated against various other mine-owners also in the State of Orissa due to a prolonged dispute between the mining interests and the State Government in regard to the mode of calculation of royalty. In other words, the acquisition of mining interests by these concerns and dispute between them and the State Government in regard to royalty related to a period well before Shri

Patnaik had assumed office. As regards the compromise in court after Shri Patnaik had assumed office, the Sub-Committee notice that the terms of the compromise were in effect provisional and evidently without prejudice to either party. In the total circumstances, therefore, the Sub-Committee do not find any impropriety involved in the matters relating to these mining interests of Shri Patnaik's family which could be traced to exercise of Government authority after he had assumed office.

There were some other allegations in the memorandum but in view of the findings on the above charges which are comparatively more serious and also in view of the fact that not enough materials were available to deal with them, the Sub-Committee have not dealt with those charges.

The Sub-Committee feel that it is necessary to record, in all fairness that their examination of the materials available did not reveal that, in various transactions in which Shri Patnaik was concerned, he had personally derived any pecuniary benefits.

However, the Sub-Committee felt, in the course of its examination of the material, that the manner in which Shri Patnaik and Shri Mitra, directly or otherwise, conducted Government transactions in which were also involved the interests of private concerns owned or controlled by them or by their relations, was definitely not in keeping with the normal standards of public conduct. The Sub-Committee desire to record their profound concern at the picture, emerging as a whole from the series of such individual transactions in many fields of activity of the State Government, of improper use of authority by leaders of the Government.

On the specific point whether a Commission of Inquiry needs to be set up to inquire into the facts of the transactions referred to in the allegations against Shri Patnaik and Shri Mitra, the Sub-Committee consider that such a step is not necessary, in view of the scope of the examination it has been able to make and the findings based thereon (recognised above).

In respect of the allegations against other Ministers of Orissa, the Sub-Committee have not had the opportunity yet to make an examination.

The Sub-Committee also considered the allegations against the Chief Minister of Bihar and the materials gathered thereon, including the comments of the Chief Minister, and arrived at the conclusion generally that there was little in the allegations, of any significance, that required further action to be contemplated at the Centre. In regard to allegations involving matters of Education, however, the Sub-Committee agreed that the Minister of Education might consider if any further examination by the Sub-Committee would be useful.

C. B. I. FINDINGS

Allegation No. 1 :

State Finance Department circular of 17-11-1961 directing Government departments to purchase vehicles, stores and other materials only through local dealers within the State was issued in order to benefit concerns in which Ministers and their relations had personal interest.

Material brought out by a scrutiny of the files made available

Under Rule 16 of the Stores Purchase Rules published in the State Commerce Department Notification of 30th Sept. 1958, price preference upto 15% was granted to products of cottage industries established within the State.

On 31-8-1961 the State Government laid down a price preference ranging from 10 to 15% inclusive of sales-tax, for certain categories of products such as cast iron wares, finished wood products, textiles, stationery etc. manufactured by small industries registered as such with the Director of Industries, Orissa. This price preference was to be admissible not only when manufacturing units themselves tendered for supply of goods to the Government but also when their authorised agents or distributors did so. However, the preference was limited to articles manufactured within the State.

On 27-10-1961 the Secretary, State Finance Department, in a note to the Chief Minister pointed out that the placement of an order for vehicles by the Transport Department, with an outside dealer would entail substantial loss of State sales-tax and suggested the issue of orders laying down that the purchase

of vehicles, stores and other materials by Government Departments and organisations in which Government had financial interest, should be made only through local dealers. Shri Patnaik agreed on 8-11-1961 and the circular under the heading 'Imposition of restrictions on purchase from outside the State' was issued on 17-11-1961. The circular laid down that it was incorrect in principle for any Government Department or Government controlled organisation to try to save payment of the Sales Tax by making direct purchases from outside the State as it upset calculations of receipts from Orissa Sales Tax. All purchases were, therefore, to be made only through local dealers and no attempt was to be made to avoid sales tax on any account. Any departure from this policy required prior concurrence of the Finance Department and failure to do so made the officer concerned personally liable for loss of consequential State sales tax.

The Chief Secretary on 11-12-1961 and on subsequent occasions brought to the notice of the Chief Minister that the circular made a complete departure from the basic principle of purchases at competitive rates. He also pointed out that the suggestion to delegate powers to the F. A-s attached to the Departments would be an absurdity as the price preference was limitless and F.A-s could not, under the terms of the circular, accept supplies except through local dealers where they were available. The Chief Minister, however, during discussion with the Finance Secretary and other officials was of the view that the circular should not be cancelled. Even in February '62 when representations were received from Bharat Chamber of Commerce and Bengal Chamber of Commerce, against the purchase policy of Orissa Government, these were filed under the orders of the Chief Minister.

After further notings and discussions between the Chief Secretary and the Chief Minister, an amended circular was issued on 4-5-1962, which while laying down that wide publicity for requirements of Government should be made both within and outside the State, further required that the price preference in respect of products of small scale industries would continue ; if after considering the monetary value of the cost of transport,

local or inter-State sales tax and other incidental charges, the prices quoted by local manufacturers or dealers were competitive, preference should be given to such local manufacturers or dealers.

As a result of the circular of 17-11-1961 some of the Purchasing Departments did not even obtain quotations from outside the State as they felt that they were bound to make purchases from local dealers and agents irrespective of the price factor. The Chief Secretary, in his reply to the Director of Inspections, who, under the orders of the Auditor-General, conducted a special audit in respect of the purchases made by the State Government from 'Orissa Agents', stated that under this circular of 17-11-1961 the Purchasing Departments though not precluded altogether from dealing with outside firms were nevertheless precluded in practice.

"Orissa Agents", a sole proprietary concern of Mrs. Eswaramma Mitra, wife of Shri Biren Mitra, who was Deputy Chief Minister in Shri Patnaik's Ministry from 23-6-1961 and became Chief Minister from 2nd October, 1963, were authorised dealers in Orissa for products of Kalinga Tubes and Kalinga Industries Ltd., and after the issue of the above circular, also made an arrangement with M/s. Jenson & Nicholson of Calcutta, under which they became representatives of the Calcutta firm for making supplies of paints to Orissa and for securing payments.

Kalinga Tubes and Kalinga Industries were the only manufacturers of G.I. pipes and tubular structures in Orissa State. Shri B. Patnaik, prior to assumption of office was the Managing Director of Kalinga Tubes Ltd. and his family have substantial interest in this concern. He was also Chairman, Board of Directors, Kalinga Industries. On assumption of office as Chief Minister, his wife, Mrs. Gyan Patnaik, succeeded him as Chairman, Kalinga Industries Ltd. and also became a Director of Kalinga Tubes Ltd. Shri B. Patnaik and his family have substantial financial interest in Kalinga Industries Ltd., also.

9. The Tubular Structure Factory, which was established in 1959 as part of Kalinga Industries Ltd., was registered as a small scale industry with the Director of Industries, Orissa, in April, 1961.

10. After the issue of the circular of 17-11-1961 the purchases made by the State Government Departments from Kalinga Tubes, through Orissa Agents, increased manifold and either no competitive quotations or tenders were invited or quotations other than those of 'Orissa Agents' were rejected on inadequate grounds. Similarly, the value of purchases of paints of Jenson & Nicholson by the State Government, through 'Orissa Agents', registered substantial increase.

11. It has been noticed that in purchases worth Rs. 60 lakhs made through 'Orissa Agents', which have been analyzed, there was an over-payment by State Government of over Rs. 20 lakhs.

Comments of Shri B. Patnaik

12. Shri Patnaik has stated that when the price preference for products of cottage industries had been decided upon, a similar preference for products of small scale industries had also been contemplated but the quantum of such preference had not been finalised. This was subsequently done on the recommendation of the Price Preference Committee and it was only a coincidence that the orders were issued in August '61 after his assumption of office. Such a price preference, ranging between 10 to 15%, is also allowed by most other State Governments.

13. Shri Patnaik has also stated that there was no question of avoiding payment of sales tax in Govt. purchase from outside the State and the reasons for the issue of the circular of 17-11-61 were :

(a) Outside dealers were not available for service after sales.

(b) Under pressure from Govt. the outside manufacturers or suppliers became willing to open branches or agencies inside the State, and build workshops, training centres etc., opening up avenues of employment.

(c) Later when the difficulties were brought to the notice of the Chief Minister by certain Purchasing Departments the circular was amended.

14. In respect of the allegations that Govt. purchases were made at rates higher than the prevalent rates, through 'Orissa Agents', Shri Patnaik has stated that he had offered to

the leader of the Opposition to investigate into these allegations and the latter had at first agreed but subsequently withdrew from it and on Shri Patnaik's request a special audit into these transactions was made by the Auditor-General, which course of action had been approved by the late Prime Minister of India.

Analysis

15. The main points for consideration are :

(i) Whether this circular was issued with the object of encouraging industry and trade in Orissa State and of increasing the avenues of employment for local people as mentioned by Shri Patnaik, and whether these objectives could possibly be achieved by such an order and were they actually achieved; or

(ii) Whether the motive behind the issue of this order could be to give a special advantage and to cause large financial gains to a few concerns in which Shri B. Patnaik and Shri Biren Mitra were interested and whether such large financial benefits were actually caused to those concerned ?

16. In coming to conclusions on these issues the following points are relevant :

(a) There is no indication in the notings leading to the issue of the circular or in the body of the circular itself that it was issued for encouraging industry in the State or for creating employment opportunities or ensuring service after sales.

(b) In this connection, it is of interest that the Director of Inspection, who conducted a special audit of the business done by the State Government with 'Orissa Agents', had observed in a letter to the Chief Secretary that while it was one of the recognised principles of State Policy to accord preferential treatment within certain limits to indigenous production, the circular dated 17-11-61 laid emphasis not so much on indigenous industrial producers as on dealers or middlemen who were not likely to contribute to the production wealth of the State, at any rate directly and whose interposition in the normal course would mean more cost of production or construction. These observations are pertinent, as the accent in the circular was only on local dealers and there was no reference to indigenous industry or local products.

(c) Both the notings and the circular itself definitely and clearly show that the object was to prevent loss of State sales tax. In fact, the Secretary, Finance Department's suggestion for the issue of such a circular was itself made in connection with an order for purchase of vehicles by the State Transport Department through an outside dealer, which was likely to result in loss of State sales tax. The loss of State sales tax could, however, have easily been prevented by stipulating that in any comparison of prices the element of sales tax should not be taken into consideration. Such a provision in fact was made in a subsequent circular.

(d) It would have been obvious that the circular may result in purchases being made at higher than the market rates and the loss thus caused may be even more than the sales tax accruing to the State which in any case had also to be paid by the Purchasing Departments of the Government.

(e) The preference to the products of cottage industries allowed under a previous circular was limited to 15%. According to Shri Patnaik himself the price preference made applicable to the products of small scale industries was also allowed after the matter had been discussed by the State Co-ordination Committee and in accordance with the recommendations of a Committee which specially examined this matter. Here also the preference was limited to certain specified categories of goods and varied between 10 to 15%, inclusive of sales tax. The circular of 17-11-61 however, allowed unlimited price preference and was applicable even to products of outside manufacturers provided these were offered by local dealers. There was no consultation with the other Departments and even the Chief Secretary was not aware that such a circular was being issued.

(f) For certain categories of articles, Kalinga Tubes and Kalinga Industries and 'Orissa Agents' were the only firms of manufacturers or producers or dealers in Orissa State.

(g) Soon after the issue of the circular of 17-11-61 'Orissa Agents', under an arrangement with M/s. Jenson & Nicholson, Calcutta, were authorised to carry out negotiations for supplies of paints to the State Govt. and to secure payments. It has

been noticed that 'Orissa Agents' secured orders for these paints even when their rates were higher than those of others and their commission was increased by Jenson & Nicholson after the issue of this circular.

(h) One of the immediate, inevitable and foreseeable consequences of the circular was the creation virtually of a monopoly in favour of 'Orissa Agents' for the products of Kalinga Industries Ltd., Kalinga Tubes Ltd., for certain categories of goods, as outside tenderers became excluded while even local competition was in effect eliminated as 'Orissa Agents' alone were the dealers for the products of the above two concerns in Orissa State. It has been noticed that in respect of purchases of about 60 lakhs, as revealed in the records made available, the State Government made excess payment of over Rs. 20 lakhs to 'Orissa Agents', as dealers of Kalinga Tubes Ltd., Kalinga Industries Ltd., and M/s. Jenson & Nicholson of Calcutta.

17. The above analysis will show that there is nothing to indicate that this circular led to the establishment of any new industries in Orissa State or to an increase in employment; nor is there anything in the available files to show that this was its purpose. On the other hand, the available material shows that a few concerns in which Shri B. Patnaik and Shri Biren Mitra have or had interests made large financial gains. It is also clear that big losses were caused to public funds and that ultimately the circular itself had to be amended.

Allegation No. 3

Shri Patnaik appointed Shri Srinivasan as Chief Engineer-cum-Administrator, Paradeep Port, although Shri Srinivasan knows nothing of Marine Engineering. He advanced Rs. 50 lakhs to Shri Patnaik for supply of pre-fabricated structures to Paradeep Port Project.

Material brought out by a scrutiny of the files made available

Shri A. Srinivasan, B. E. (Civil), M.I.E. (India), was promoted as Executive Engineer (PED) in Madras on 11-2-1950 and in September 1954, before he went on deputation to Neyveli

Lignite Corporation, was drawing Rs. 600/- per month plus D.A. Rs. 85/-

2. He joined Neyveli Lignite Corporation as Administrative Officer on 30-9-54 in the scale of pay 1000—100/2—1200. Designation was later changed to General Superintendent, Lignite Investigation and pay scale was revised to 1600—100—1800 in February '57. In April '58 his designation was again changed to Dy. General Manager (Technical) in the same scale and in February '59 the scale was revised to Rs. 1800—100—2000. He retired in July 61 and was re-employed for a period of two years, on a salary of Rs. 2000/- per month less pension equivalent of Rs. 448-29 nP—effective pay Rs. 1551.80 nP. He resigned from Neyveli Lignite Corporation on one month's notice with effect from 31-3-62.

3. On 17-11-61 Shri Sivaraman, Chief Secretary, Orissa wrote to Shri Mani, Managing Director, Neyveli Lignite Corporation Ltd., requesting him to allow Shri A. Srinivasan, then working with the Lignite Corporation to come over to Orissa. Shri Mani in his reply dated 20th November '61 to the Chief Secretary stated that the Lignite Project was at a critical stage and it was therefore out of question to spare the services of Shri Srinivasan. Correspondence was thereafter carried on by the Chief Secretary with Shri Srinivasan directly and at the latter's request, a reference to the State Public Service Commission and intimation to the Transport Secretary, Government of India regarding his proposed appointment was also deferred.

4. The pay scale originally fixed for the post of Chief Engineer-cum-Administrator, Paradeep Port, with the approval of the Council of Ministers on 5-10-61, was Rs. 2000—50—2250. As Shri Srinivasan wanted a salary of Rs. 2500/- with increments exclusive of pension and a free quarter, the pay scale was accordingly enhanced to Rs. 2500—50—2750 and was made exclusive of the pension which Shri Srinivasan was drawing. A free house as requested by Shri Srinivasan was also provided for. The State Finance Department was of the view that under the existing rules, the total emoluments inclusive of pension, in the case of re-employment of a retired Government servant should not normally exceed

the last pay drawn by him or Rs. 3000/- whichever was lower, but an exception was made in the case of Shri A. Srinivasan.

5. The State Finance Department when drawing up the terms of the 5-year contract for Shri A. Srinivasan also pointed out that under the rules Shri Srinivasan would be entitled to leave as admissible to temporary Government servants for the first three years of the contract. An exception was however made in Shri A. Srinivasan's case, under the orders of Shri B. Patnaik, Chief Minister and leave as admissible to permanent Government servants was allowed to Shri Srinivasan.

6. The service records of Shri A. Srinivasan had not even been received in Orissa when the appointment was approved by the Chief Minister Shri Patnaik. In this connection, it may be of interest to mention that Shri A. Srinivasan while working with the Neyveli Corporation was involved in a case PE-37/59 of Madras Branch of the Special Establishment for having shown favours in the execution of contracts, to contractors who had been known to him when he was previously in charge of Bhavani Sagar Project in Madras State. After enquiries the case had been referred to the Ministry of Steel, Mines & Fuel, on 14-10-60 for such action as deemed fit, against Shri Srinivasan.

The post of Chief Engineer-cum-Administrator, Paradeep Port, in the scale of Rs. 2000—50—2250 had been created on 5-10-61. There is no indication that any reference was made to the State Public Service Commission to advertise this post. On the contrary in November '61 correspondence was made with Shri A. Srinivasan directly and as desired by him the pay scale was substantially revised in May '62. Even then a reference to the Public Service Commission was not made and this was done on 30-7-62, when Shri A. Srinivasan had already taken over as Chief Engineer-cum-Administrator, Paradeep Port, on 16-7-62. In the reference to the Public Service Commission it was stated that after taking into consideration the case of a number of persons and having fully satisfied themselves about the experience, ability and practical suitability of Shri A. Srinivasan, it had been decided to appoint him as Chief Engineer-cum-Administrator. The State Public Service Commission had enquired about the particulars of

the other persons, who were said to have been considered for this post, and about the special qualifications which had been laid down by the State Govt. for this post. They also suggested advertising the post, but the Chief Minister, Shri Patnaik, ordered on 7-9-62, that "P.S.C. should be told clearly that this post will not be advertised. Government's decision in this respect is final." The State Public Service Commission were informed that it was well known that there was paucity of experienced engineers and that for the post of Chief Engineer-cum-Administrator Paradeep Port, a qualified engineer with extensive experience of project construction and administrative capacity of a very high order was required and that these qualifications Shri Srinivasan possessed in ample measure. The Public Service Commission while concurring in the appointment, on 9th February 63 observed that considering the pay that Shri Srinivasan was previously drawing the scale of pay and emoluments fixed for his appointment appeared to err on the side of excessiveness.

When the proposed appointment of Shri Srinivasan was intimated by the Chief Secretary to the Transport Secretary, Government of India, the latter had suggested that the question of appointing a high level officer to be in charge of actual construction could arise only when clear decisions were reached on major policy issues still pending before the Planning Commission and advised the constitution of a Special Field Investigation Division under a suitable Executive Engineer to carry out the preliminaries such as collection of data under the direction of the Development Adviser.

9. Shri A. Srinivasan took over as Chief Engineer-cum-Administrator Paradeep Port on 10-7-62. Within 5 days of his appointment, he recommended the purchase of 2500 units of tubular structures of the value of over Rs. 16 lakhs from Kalinga Industries, when these structures did not appear to have been immediately required by Paradeep Port authorities and when Shri Srinivasan could not even have had an opportunity to assess his actual requirements of these structures. He also recommended acceptance of the condition stipulated by Kalinga Industries

Ltd., for payment of 90% advance and as a result over Rs. 14 lakhs were paid by the State Government to Kalinga Industries Ltd., with the approval of Shri B. Patnaik, Chief Minister, within 24 hours of the order being placed.

10. Although the order for 2500 units of tubular structures was placed in August '62 even until August '63 i.e., a year later, a large number of these structures and components of the value of several lakhs remained lying on the factory premises of Kalinga Industries Ltd., and Shri A. Srinivasan himself in his letter dated 6-8-63 to the Secretary, State Commerce Department, stated that he was unable to lift these stores as the port area was subject to saline activity and there was lack of space for storage.

Comments of Shri Patnaik

11. Shri Patnaik has stated that it is within the competence of the Government to appoint a suitable person for a big and urgent project with attractive salary outside the scope of red tape and that it was his declared policy that in big projects he would prefer early completion to delay, and national saving of expenditure, as in his view economy of the nation lay in performance. He felt that once a capable and competent man is chosen as head of a project, he must be armed with full powers.

12. He also stated that Paradeep Harbour Project which started in late 1962 would be ready in another year to handle 60,000 tonners, and had made progress in spite of the severe handicaps, in a manner that had attracted the appreciation of all knowledgeable authorities. Shri Asoka Mehta, Dy. Chairman, Planning Commission, had been impressed with the 'esprit de corps' of the Engineering Organisation at Paradeep Port.

13. Shri Patnaik has also said that a quick decision to make purchases, and prompt payment is not a crime but rather an insurance against lack of performance and corruption.

Analysis

14. The main issue to be considered is whether the special terms and emoluments sanctioned for Shri A. Srinivasan were

justified or whether these special favours were shown for personal considerations.

16. In this context the points mentioned below are significant:

(i) As regards the competence and suitability of Shri A. Srinivasan for the post of Chief Engineer-cum-Administrator Paradeep Port, there is no indication in the files that he had any special qualifications for or experience of port construction work. Even the service records of Shri A. Srinivasan had not been received in Orissa when the appointment was approved by the Chief Minister and no attempt appears to have been made to check his antecedents. If this had been done, the fact that he was involved in a Special Police Establishment case in 1959 would have come to light.

(ii) No effort appears to have been made to ascertain if other suitable engineers were available for this post. In the original reference made to the State Public Service Commission it was stated that other persons had also been considered for this post but when the Commission asked for the particulars of such persons, it was merely stated in the reply that it was well known that there was paucity of experienced engineers. The State Public Service Commission were not allowed to advertise the post and to make a free selection of the most suitable candidate.

(iii) It is clear that Shri A. Srinivasan was appointed on specially favourable terms. The pay scale originally fixed for the post with the approval of the Council of Ministers on 5-10-61 was substantially enhanced ; exceptions were made in his case to enable him to draw pension in addition to his emoluments and to entitle him to leave as admissible to permanent Govt. servants, in spite of the objection of the Finance Department.

(iv) It would be difficult to say that he was an Officer specially suited for the post and deserving of all these special considerations. An officer who has secured a post in such a manner and on specially favourable terms could be expected to toe the line of those who had conferred such favours. Without any agreement or commitment the circumstances could bring about a 'quid pro quo'.

Allegations No. 4 to 6

(4) Kalinga Industries enjoyed a monopolistic position in the supply of trusses manufactured out of rejected pipes of Kalinga Tubes and no tenders are called in respect of such supplies to the Govt.

(5) Kalinga Industries supplied tubular trusses worth Rs. 16 lakhs to Commerce Department for construction of quarters at Paradeep Port. The offer was made by Kalinga Industries on their own and no tenders were invited. According to the opinion of engineers, tubular structures were unsuitable for construction of quarters at Paradeep.

(6) The State Govt. advanced Rs. 18 lakhs to Kalinga Tubes in one day on account of tubular structures for quarters at Tinkerpara without the Project being sanctioned and special arrangements were made to bring cash from Cuttack, Puri and Bhubaneswar branches of the State Bank.

Material brought out by a scrutiny of the files made available

As regards purchase of tubular structures for Tinkerpara Project the State Government have stated that there are no files regarding any such purchase. Therefore, this note deals with the purchase of tubular structures made by the following Departments of Orissa Government during the period June 61 to December 63, from Kalinga Industries Ltd. This is based on the records so far examined. Some files relating to other purchases have still to be scrutinised :

<i>Date</i>	<i>Department</i>	<i>Value</i>
17-8-62	Commerce (Ports Deptt)	16,85,512.50
12-11-62	Paradeep Port	2,00,980.00
Aug. '62	Orissa Mining Corpn. .. .	17,97,568.20
June '61 to Dec. '63	{ P.W.D. Director of Industries, Supdtg. Engineer, Expressway and some other Departments	8,00,000.00 (about)
		<hr/> 44,84,060.70

In respect of the above purchases, following irregularities were committed:

- (a) In most cases no tenders were invited.
- (b) Certain orders were placed merely on the offer of Kalinga Industries themselves.
- (c) Some orders were placed even without the rates being quoted.
- (d) There was no provision or inspection of goods in any of the order.
- (e) 90% advance payment was invariably agreed to.
- (f) No action was taken when supplies were delayed, were found defective or terms of agreement regarding unloading etc. were not followed.

When the Tubular Structure Factory of Kalinga Industries went into production in 1959, Shri Patnaik, then Chairman, Kalinga Industries Ltd., through personal negotiations had persuaded the State Govt. to use tubular structures in the construction of grain godowns. The rates quoted by Kalinga Industries were found to be higher than those at which Metpa Corporation, representing Tata-Stewards-Lloyds, were prepared to make supplies. Kalinga Industries then agreed to supply the tubular structures to the State Govt. at rates quoted by Metpa Corporation.

Subsequently, Kalinga Industries stipulated for additional transport charges and for payment of 90% of the value of the order as advance. These conditions were agreed to by the State Government.

In May '61 the Director of Industries, Orissa informed other Departments that a State sponsored concern "Rourkela Fabrications Ltd." had gone into production of goods including trusses, and recommended this concern for placing orders.

In November '61 the then Development Commissioner had floated a tender enquiry for tubular structures and the quotations, which were examined in 1962, had shown that the rates of Kalinga Industries were higher.

The Report of Director of Kalinga Industries Ltd., contained in the Company's balance sheet for the year 1961-62 also shows

that the market for tubular structures in the previous two years had become extremely competitive and that Kalinga Industries had been compelled to reduce their prices to meet this competition.

In the offers of tubular structures made by Kalinga Industries to the State Government from time to time, it was stated that the supplies were being offered at the old rates in spite of the increase in the cost of production. This will indicate that although Kalinga Industries, as a result of the competition, had reduced prices, such a reduction was apparently not made in respect of the supplies to the State Government.

As tubular structures were not on rate contract with DGS&D and in the purchases made by the State Government from Kalinga Industries, competitive tenders were not involved, the excess payment, if any, made by the State Government cannot be determined with certainty. It has been noticed, however, that the State Health (LSG) Department placed an order for 563 units of tubular structures at Rs. 3200 per unit in April 1964. The DGS&D at about the same time had also obtained from Kalinga Industries, for Dandakaranya Development Authority, tubular structures of similar specifications at rates substantially lower. In respect of this particular order of the State Government in April, '64, excess payment of the order of several lakhs was made to Kalinga Industries Ltd.

The difference in price noticed in the order placed by DGS&D and the State Health (LSG) Department, the quotations examined by the Development Commissioner in 1962 as a result of the tender enquiry floated in November '61 and Kalinga Industries' own assertion, in the offers made to the State Government from time to time, that the rates quoted were the old rates, although they had apparently been compelled to reduce their prices, all serve to indicate that the rates at which Kalinga Industries made supplies to the State Govt. during the period 1961-63 were higher than the prevalent market rates for those structures.

The advance of 90% in respect of supplies of tubular structures to the State Government during 1959-60 had come to the

notice of the then Chief Minister, Shri Mehtab, and since he had objected to this practice Kalinga Industries had agreed to waive this condition in May 1960. In the supplies made subsequently during the period 1961-63 Kalinga Industries, however, invariably demanded 90% advance and this was duly paid by the State Government Departments.

The annual balance sheets of Kalinga Industries Ltd., reveal the following position in respect of the production and sale of tubular structures :

<i>Year</i>	<i>Production</i>	<i>Sales</i>
1959-60	1275 tons	Rs. 23 lakhs
1960-61	560 tons	Rs. 16.5 lakhs
1961-62	1200 tons	Rs. 26.6 lakhs
1962-63	production figures not given	Sales outside the State said to be of Rs. 14 lakhs.

It has been noticed that the two substantial orders for tubular structures placed in August 1962 by the Commerce (Ports) Department and the Orissa Mining Corporation of the total value of over Rs. 32 lakhs, accounted for 1290 tons of tubular structures which represented almost the entire annual production capacity of Kalinga Industries Ltd.

Under Finance Department circular of 17-11-61 purchases could only be made from local dealers. Kalinga Industries were the only manufacturers of tubular structures and Orissa Agents were their authorised dealers in the State.

Shri Patnaik took over charge of Commerce Deptt. (only subject Ports) on 17th July, '62. Shri A. Srinivasan similarly took over as Chief Engineer-cum-Administrator, Paradeep Port, on 16th July, '62.

On 12-7-1962 Kalinga Industries on their own offered 2500 units of tubular structures of the value of over Rs. 16 lakhs and stipulated for payment of 90% in advance.

On the recommendation of Shri A. Srinivasan, Chief Engineer-cum-Administrator, Paradeep Port, Commerce Department placed orders for 2500 units of tubular structures, on Kalinga Industries without inviting tenders. An advance payment of

over Rs. 14 lakhs was also made within 24 hours of the order being placed, with the personal approval of Shri B. Patnaik, Chief Minister.

As stated earlier, the tender enquiry of the Development Commissioner had already indicated in June '62 that tubular structures were available at rates lower than those quoted by Kalinga Industries. State sponsored concern 'Rourkela Fabrications Ltd.,' specially recommended by the Director of Industries of the State Government Department was also in a position to supply these structures, but no reference was made to this concern.

It is clear that such a large number of tubular structures was not urgently required by Paradeep Port as even a year after the order was placed tubular structures and components of the value of several lakhs remained lying on the factory premises of Kalinga Industries and Shri A. Srinivasan, Chief Engineer-cum-Administrator, Paradeep Port, himself informed the Commerce Department on 7-8-63 that he was unable to lift the stores as the port area was subject to saline activity and there was lack of space for storage.

On 12-7-62 when Kalinga Industries made the offer to Commerce Department, an identical offer on the same terms was also made to Orissa Mining Corporation. In consequence an order for 2500 units of tubular structures of the value of Rs. 16 lakhs was placed and Rs. 10 lakhs were deposited by the Corporation in a bank to be drawn upon by Kalinga Industries. In this case also tubular structures do not appear to have been urgently required as a large proportion of these structures remained unutilised even until the beginning of 1964.

Shri Patnaik himself had approved the purchase and the payment of 90% advance in respect of the order of Commerce (Ports) Department for 2500 units in August '62. The remaining orders for these structures were placed by various officials of the Department concerned.

Comments of Shri Patnaik

During the period 1950-61 the State Government purchased

tubular structures worth Rs. 25,14,467 which represented 63% of the total sales of tubular structures by Kalinga Industries Ltd. During 61-63 the total purchases by the State Government amounted to Rs. 30,86,634 which was only 45% of the total sales during this period.

Tubular structures were supplied to State Government on rates established in 1959 after the Government had made necessary enquiries. There has been no change in these prices before or after the assumption of office by Shri Patnaik.

Question of advance payment is a routine matter in the PWD Code. Even the Coalition Ministry allowed such advance payment.

The non-utilisation of tubular structures by the Purchasing Departments was due to various factors beyond their control such as freezing of other building material by Government of India due to Chinese invasion.

Ninety per cent advance was not paid in respect of the order of Orissa Mining Corporation.

Shri Patnaik and members of his family only received dividends of just over Rs. 24,000/- for their shareholdings in Kalinga Industries during the years 1961-62 and 1962-63.

Comparison of rates for purchase of tubular structures by DGS&D for D.D.A. and by State Government is unfair as structures were basically different.

Health (LSG) Department order was placed after tender enquiry.

Analysis

The main issues are as to whether the price paid was competitive and according to rates prevalent in the market, whether any serious loss was caused to public funds by the irregularities committed, whether any favours were shown in placing orders on Kalinga Industries in which Shri B. Patnaik had an interest and whether this concern made thereby any undue financial gains.

Another point requiring consideration is whether advance payment which caused financial advantage of Kalinga Industries was proper and justified,

In considering these issues, the points mentioned below are relevant and significant:

(i) Certain rates for tubular structures were agreed to by the State Government in 1959 in connection with a particular order relating to the construction of grain godowns. Tubular structures were manufactured for the first time by Kalinga Industries then. The market for tubular structures subsequently became highly competitive, and in the Directors' Report contained in the annual balance-sheet of Kalinga Industries for 1961-62 it was stated that the prices of tubular structures had been reduced due to competition. In the supplies to the State Government Kalinga Industries, however, were mentioning that the supplies were being offered at the old rates and that these had not been revised although the cost of production had risen. Shri Patnaik himself has stated that in the rates established with the State Government in 1959, there was no change before or after the assumption of office by him. It will be seen, therefore, that the rates quoted in connection with a particular order of the State Government in 1959 cannot be said to have necessarily been the best available during the period 1961-63. This is also borne out by the tender enquiry floated in November 1961 by the Development Commissioner. It was then found when the quotations were examined in 1962 that the rates of Kalinga Industries were higher than those at which tubular structures were available in the market. It has also been noticed, in connection with the order placed by the Health (LSG) Department of the State Government, in April '64, that tubular structures of similar specifications were obtained from Kalinga Industries themselves, by the DGS&D at substantially lower rates and that the State Government made excess payment of several lakhs to Kalinga Industries in respect of this order.

(ii) With regard to the difference in specifications of tubular structures supplied by Kalinga Industries to DGS&D and to the State Health (LSG) Department, it may be mentioned that these differences as also the element of transport charges have been taken into account and yet the excess payment made by the State Government in respect of this order amounts to several lakhs.

(iii) In view of all these circumstances it was clearly advisable to call for quotations before orders were placed. This was not done in all cases and the failure to do so was a serious omission.

(iv) The tender enquiry for the Health (LSG) Department in March 1964 was addressed to three other firms. The publication in newspapers left only four days for submission of quotations. The quotation of Hirakud Workshop although lower was not accepted on the grounds of urgency and because they had stipulated that the material should be supplied by the State Government. The quotation of the State sponsored "Rourkela Fabrications Ltd." received late due to clearly unavoidable circumstances was not considered even for a part order. The offer of the Ministry of Rehabilitation, Govt. of India, for 200 structures immediately available, was also not considered on the ground that the order had already been placed on Kalinga Industries Ltd., although the difference in price was substantial and it should have been clear that the State Government were having to pay a substantial amount in excess to Kalinga Industries Ltd.

(v) As regards the non-utilisation of a large number of structures by the Commerce Department and the Orissa Mining Corporation, in none of the Govt. files has the freezing of other building materials been cited as a reason. As far as can be gathered from the files, the quantities purchased were far in excess of actual requirements and remained unutilised for over an year after the orders had been placed.

(vi) The total sales of tubular structures during the period 1961-63 to the State Government appear to be substantially higher than stated by Shri Patnaik. The two large orders of Commerce Department and Orissa Mining Corporation in August '62 for instance account for almost the entire annual production.

(vii) According to SR-325 of Orissa Treasury Code Vol. I, payments for supplies are not permissible unless stores have been received and surveyed except in exceptional cases. It cannot be stated that every order placed with Kalinga Industries was exceptional.

(viii) The previous Chief Minister, Shri Mehtab, had objected

to 90% advance payment and Kalinga Industries had waived this condition. Shri Patnaik was then Chairman, Kalinga Industries Ltd., and thus aware of the objection to payment of advance payment and yet as Chief Minister he ordered the advance payment.

It has also been noticed that in the orders issued by the State Government on 28-11-63, delegating the power for making advance payments, to administrative departments, a number of conditions have been stipulated, the most important of which is the requirement of proof of despatch before such payment can be made.

(ix) As regards the order to Orissa Mining Corporation, the payment of 90% advance was sanctioned but this could not be paid as Kalinga Industries were unable to furnish bank guarantee. A sum of Rs. 10 lakhs was therefore deposited by the Corporation in a bank to be drawn by Kalinga Industries Ltd.

(x) As regards the amount of dividend received by Shri Patnaik and members of his family during the period 1961-63, this is hardly a criterion for determining the benefit which accrued to Kalinga Industries Ltd. through governmental purchases.

It may be stated that the shareholdings of Kalinga Industries Ltd. as on 11-10-61 were on as follows :

Shri B. Patnaik ..	..	2239	Equity shares
		100	Preference shares
Mrs. Gyan Patnaik ..	..	750	Equity shares
B. Patnaik Mines (P) Ltd. ..	..	500	Equity shares
Kumari Gita Patnaik, daughter of B. Patnaik		500	Equity shares
Kumar Navin Patnaik son of B. Patnaik ..	..	303	Equity shares
		149	Preference shares
Shri Prem Patnaik	500	Equity shares
Kalinga Foundation Trust	29264	Equity shares
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TOTAL	34056	Equity shares

		249	Preference shares
Government of Orissa	..	200	Equity shares
		2800	Preference shares
		<hr/>	
TOTAL	..	34256	Equity shares
		3049	Preference shares
		<hr/>	
Authorised Capital	..	One crore divided into 96000 Equity shares of Rs. 100 each and 4000 Preference shares of Rs. 100 each	
Paid-Up Capital	..	42,45,150 consisting 38,840 equity shares of Rs. 100 fully paid up and 3630 preference shares of Rs. 100 each fully paid.	

The exact constitution of Kalinga Foundation Trust is not known. Assuming that Shri B. Patnaik and his family have the largest interest in this Trust, it will be seen that out of 42451 equity shares and preference shares 34305 are held by Kalinga Foundation Trust and Shri B. Patnaik and family. His predominant interest in Kalinga Industries is thus clear.

Allegation No. 7

During Chief Ministership of Shri B. Patnaik the low shaft furnace of Kalinga Industries Ltd. at Barbil was purchased by the Industrial Development Corporation of Orissa. The plant had been running at a loss and accounts were manipulated, to show profits. The plant which was valued at Rs. 30 lakhs only was taken over by the Industrial Development Corporation of Orissa for nearly Rs. 1 crore without proper valuation and with all contractual liabilities of Kalinga Industries. Mrs. Gyan Patnaik was Chairman of the Board of Directors, Kalinga Industries, at the time of purchase of the plant by the Industrial Development Corporation of Orissa Ltd.

Material brought out by a scrutiny of the files made available

The low shaft furnace at Barbil was one of the units of

Kalinga Industries Ltd., in which Shri B. Patnaik and his family have a substantial interest. He was Chairman Board of Directors Kalinga Industries Ltd., in which position he was succeeded by his wife Mrs. Gyan Patnaik, on his assumption of office of Chief Minister, Orissa on 23-6-61.

In 1954 Shri B. Patnaik entered into a licence agreement with the German firm 'KO-WE' for installation of a low shaft furnace in India. He undertook to instal two plants of 100 tons capacity per day within five years of the successful operation of the first plant, and three more such plants in the succeeding five years. In return Shri Patnaik became entitled to a share of royalty on the ex-works price of the molten production of these plants for a period of ten years.

The low shaft furnace of Kalinga Industries Ltd. with the rated annual capacity of 15,000 tons went into production in September 1959 at Barbil.

When the proposal for setting up this plant was made by Shri Patnaik in 1954, the Industrial and Technical Adviser to Orissa Government had recorded a note that the cost calculations made by Shri Patnaik regarding the production of pig iron were unrealistic and that even the estimated cost of Rs. 140 per ton would prove uneconomic, as the cost of pig iron manufactured by conventional blast furnace was Rs. 80 to Rs. 100 per ton.

Within five months of the plant going into production, Shri Patnaik applied to the Ministry of Commerce and Industry, Government of India, on 13-2-60 for expansion of the plant's capacity from 2000 to 6000 per month on the ground that the installed capacity was uneconomical.

On 3rd June 1960 Shri Patnaik wrote to the Minister for Steel, Mines and Fuel, Government of India, pointing out that the cost of production according to Tariff Commissioner's formula for pig iron manufactured in his plant worked out to Rs. 289 per metric ton which was 40% higher than the statutory selling price of Rs. 225 fixed by the Iron & Steel Controller. He requested for substantial reduction in the price of nut coke and exemption from excise duty of Rs. 10 per ton.

On 30th June 1960 Shri Patnaik addressed a Memorandum to the Prime Minister in which it was stated that with a production of 15,000 tons annually the low shaft furnace "cannot be an economic venture when compared to the cost of production in blast furnace whose production capacity is very high." He asked for permission to expand the plant's capacity to 2,50,000 tons annually and for manufacturing specialised steel products to make the plant "self-supporting". He also suggested that if such expansion was against the instrument of Government policy, a Corporation may be set up with 51% Government control to take up this venture or alternatively the Govt. may buy the plant outright and expand it in the public sector.

In December 1960, the Government of India decided to permit low shaft furnaces in the private sector with annual production of up to one lakh tons as against the former limit of 15,000 tons.

The expansion scheme for the low shaft furnace plant prepared by Kalinga Industries for a production of one lakh tons annually entailed an expenditure of Rs. 5.70 crores.

Shri Patnaik's suggestion made to the Prime Minister for expansion of the plant through a Corporation having 51% control or the outright purchase of the plant by the Government for expansion in the public sector, does not appear to have found acceptance either by the Government of India or the State Government.

Shri Patnaik assumed office of the Chief Minister, Orissa, on 23-6-61. On 29-3-62 the Orissa Industrial Development Corporation was established and in January 1963, the I.D.C. of Orissa, passed a resolution authorising its Chairman to negotiate with Kalinga Industries for the purchase of the plant at Barbil. The plant was ultimately transferred to the Orissa Industrial Development Corporation from 1st April, 1963.

Prior to the transfer of the plant, Kalinga Industries Ltd., had entered into an agreement with M/s. Kalinga Otto Private Ltd., a sister concern, under which the latter became consultants for the expansion programme of Barbil plant. Mrs. Gyan Patnaik, wife of Shri B. Patnaik, is the Chairman of Kalinga Otto Private

Ltd. and Patnaik family holds 51% shares in this company.

The annual balance sheets of Kalinga Industries show only the combined working results of all the three units including the low shaft furnace at Barbil and give no indication separately of the profitability or otherwise of this plant.

The Industrial Development Corporation of Orissa in their reference dated 20-2-63 to the State Government regarding the purchase of the plant merely forwarded a copy of the project report received from Kalinga Industries for expansion of the plant and stated that it would give an indication of the profit earning capacity of the plant *after its expansion*. It was further stated that detailed particulars regarding the profit earned by the low shaft furnace were not available as the balance sheet of Kalinga Industries merely showed consolidated profits for all their units.

On 19-2-63 Shri B. Patnaik, Chief Minister, in a D.O. letter to Shri Subramaniam, Minister, Steel and Heavy Industries, Government of India, observed that Orissa Development Corporation—a State-owned company had undertaken to take over the low shaft furnace plant at Barbil belonging to Kalinga Industries—an expanded plant of one lakh ton capacity with 12000 tons/year of spun cast iron pipes. He added that it *would be* an economical plant and that is why the State Government had agreed to take it over. A request for the transfer of the Industrial Undertaking Licence for expansion, standing in the name of Kalinga Industries to the Industrial Development Corporation of Orissa, was also made.

In order to ensure the transfer of the licence Shri Patnaik himself visited Delhi, personally called on the Central Government Ministers concerned, and on 5-3-63 handed over a manuscript letter to Shri Tarlok Singh, Member, Planning Commission requesting the latter's support in the Planning Commission, for the transfer of the licence which was due to come up before the Licences and Goods Capital Committee on 8-3-63.

On 6-3-63 Shri Patnaik handed over a note to the Deputy Chairman, Planning Commission, in which Shri Patnaik pointed out that the plant was being handed over to the State Company

at the book value, that the payment will be made in easy instalments out of the profits earned by the plant, that the present annual gross profit of the Plant was Rs. 20 lakhs and that the royalty of 2½% due to Kalinga Industries was also being transferred for the establishment of an Institute of Technology and Designs under the State Industries Department. He added that "in short this plant virtually goes as a gift to the State Company".

In the Department of Iron & Steel of the Ministry of Steel, Mines and Heavy Industries, the proposed transfer of the plant by Kalinga Industries to the I.D.C. of Orissa was examined merely for determining as to whether Orissa Industrial Development Corporation were a suitable party for the transfer of the licence standing in the name of Kalinga Industries Ltd., and it was decided that the Corporation being a public sector company in the State of Orissa, there should be no objection. Neither the profitability of the concern nor the value of assets proposed to be transferred by Kalinga Industries were examined and it was felt that these matters were the concern of Kalinga Industries Ltd., and the Industrial Development Corporation of Orissa.

In view of what Shri Patnaik communicated to the Deputy Chairman, Planning Commission, no objection was raised and the licences were duly transferred to the Industrial Development Corporation of Orissa. Shri Patnaik himself in a D.O. letter from Delhi to Shri Purukayastha, Chairman of the Corporation, while intimating the transfer of the industrial undertaking licence, also suggested that Shri C. Balan, Secretary of Kalinga Industries, be taken on the Board of Corporation and placed in full charge of the plant expansion, etc.

The annual balance-sheet of Kalinga Industries Ltd. as a whole for the year 1961-62 shows gross profit of Rs. 16,54,339 and the net profits after providing for depreciation were shown as Rs. 12,10,044/-. Similarly the balance-sheet for 1962-63 shows gross profits for all the three units of Kalinga Industries Ltd., including Barbil Plant, at Rs. 15,42,211 and the net profit after providing for depreciation was placed at Rs. 10,91,560/-. It is not, therefore, quite clear as to how Shri Patnaik in his note to the

Deputy Chairman, Planning Commission, had stated that the annual gross profit of the Barbil Plant alone was Rs. 20 lakhs.

It is also not clear as to how Kalinga Industries had become entitled to 2½% royalty from Orissa Industrial Development Corporation, particularly when it appears that this royalty becomes payable on the ex-works price of the molten product not only of the existing plant but of the expanded plant.

In the State Govt., in the absence of Shri B. Patnaik, Chief Minister, formal approval of the purchase of the Plant by the Industrial Development Corporation was accorded by Shri Biren Mitra on 16-3-63. In the P&C (Plan) Department, the Secretary, in a detailed note, *inter alia* observed that no conditions had been laid down, that the terms would be agreed with the Government's approval, that there was no indication as to how the assets would be valued; that the balance-sheets of the Company were not on the file and further that the working results of all the units of the Company being merged, valuation will have to be done by a reliable authority meticulously and there was also need for technical valuation. It may also be mentioned that in the Finance Department it was observed that the Industries Department had presumably satisfied themselves about the profitability of the concern. Subject to this condition, concurrence of the Finance Department was given. There is nothing in the file to show that any examination of the valuation of the assets or of the profitability of the concern was done in accordance with the above note.

A note in the Corporation's file contains the points to be included in the sale agreement, as contemplated by the Chief Minister, Shri Patnaik, and as changed after discussion with Shri Balan of Kalinga Industries. Shri Patnaik, it appears, had suggested that the Corporation may take over the outstanding debentures loan of Rs. Rs. 6 lakhs and 2½% royalty be paid to Kalinga Industries on all products. Shri Balan appears to have pointed out that the Indian Overseas Bank were not agreeable to the transfer of the loan and, therefore, the Corporation may pay Rs. 6 lakhs to the Indian Overseas Bank on behalf of Kalinga Industries to take the property free of encumbrance. As regards

the royalty he suggested its diversion to a fund for the advancement of scientific research, as otherwise it would be liable to heavy income-tax.

Shri Patnaik and Mrs. Gyan Patnaik, who was Chairman Kalinga Industries, held discussions with Shri Balan at Calcutta on 29-3-63. As a result, it seems to have been decided that since a commitment had been made to the Planning Commission that no payment was proposed to be made by the Corporation to Kalinga Industries for the plant, the sum of Rs. 6 lakhs to be paid to the Indian Overseas Bank for getting the plant released from mortgage, may be shown against the value of the stores and spares, to tide over this difficulty. This amount of Rs. 6 lakhs appears to have been paid by the Corporation even before the formal take over on 1-4-63. In pursuance of the decision the original clause in the draft agreement requiring the payment of Rs. 6 lakhs by the Corporation to the Indian Overseas Bank to redeem the debenture loan, was deleted under the orders of Shri B. Patnaik, Chief Minister.

M/s. H. Naik & Co., Chartered Accountants, in their report dated 27-3-64, assessed the depreciated book value of the assets proposed to be transferred at Rs. 64,21,269 and current assets at Rs. 23,15,111, totalling Rs. 90,45,541 while M/s. G. Basu & Co., in their report dated 26th February, 1964 worked out the value of the block assets at Rs. 68,49,984 and the raw material, fuel, stores and spares and goods in transit to Rs. 20,64,389, totalling Rs. 89,14,383/-.

The Orissa Industrial Development Corporation paid the following amounts for the take-over of the Barbil Plant :

- (i) Rs. 6 lakhs to the Indian Overseas Bank Ltd., towards redemption of the mortgage of the assets for debenture loan.
- (ii) Rs. 1,37,818.83 to clear the dues of Kalinga Industries Ltd., by way of electricity charges.
- (iii) Rs. 12,94,981.13 to Kalinga Industries during the year 1963-64 in accordance with the provisions of the agreement.
- (iv) The Corporation also decided in Aug. 64 to pay to Kalinga Industries @ Rs. 1 lakh every month subject to final adjustment at the end of the year.

One of the terms of the take-over agreement was that four contracts entered into by Kalinga Industries with the German suppliers on 1-3-63 were made binding on the Orissa Industrial Development Corporation. Those agreements have not so far been made available and the State Govt. have intimated that the same may be obtained from Kalinga Industries Ltd. This would appear to indicate that these contracts were accepted by the O.I.D.C. even without knowing what they were.

It is significant that even after Shri Patnaik as well as the I.D.C. had decided and agreed that the Industrial Development Corporation should take over the Barbil Plant, Kalinga Industries chose on 1-3-63 to enter into these four contracts with the foreign suppliers.

Comments of Shri B. Patnaik

As per the balance-sheet, the Low Shaft Furnace Plant cost Kalinga Industries Ltd., Rs. 82.5 lakhs as on 31st March, 1963. The State Govt. hold Rs. 3 lakhs worth shares and the Secretary, Industries Department and Director of Industries of the State are therefore directors in the Company. In 1962-63 the plant made a profit of over Rs. 10 lakhs while in 1963-64 (after the transfer of the plant to the State Industrial Development Corporation) it earned a profit of over Rs. 19 lakhs and in the six months of the current year (April to September) the profits have gone over Rs. 20 lakhs. The letter dated 30-6-60 addressed to the Prime Minister has not been understood. This plant was the only one which went into operation and produced the finest grade of foundry iron available in India. The company, if it encountered any difficulty in expansion, could have easily disposed of this successful plant to any other big company for over Rs. 1 crore or continued to earn high profits. Mr. Patnaik, as Chief Minister, was however anxious that this plant should be fully expanded as quickly as possible since there was and still is great shortage of iron in the country. Consequently he persuaded the company to part with the plant on the easiest terms. The matter was taken up at the highest level with the Planning Commission and the Steel Ministry and the transfer of licences,

foreign exchange, etc. were executed by the Govt. of India with great dispatch.

The State Corporation cleared up some arrears of about Rs. 7.37 lakhs so that they could get the entire plant free from all encumbrances. The total payment made on account of Kalinga Industries Ltd., during 1963-64 amounted to Rs. 18.94 lakhs inclusive of Rs. 7.37 lakhs whereas the profit (surplus for disbursement for that year) amounted to over Rs. 19 lakhs. During the current financial year although the Corporation had made profits of Rs. 20.6 lakhs the payment to Kalinga Industries has been Rs. 5.75 lakhs. By the time the expanded project is in production in 1966-67, the existing plant would have earned a profit of Rs. 1 crore, and after expansion the plant is likely to earn a minimum annual profit of Rs. 15 crores.

The two auditors who fixed the book value, M/s Naik & Co. and M/s. C. Basu & Co., are also the auditors of Kalinga Industries Ltd. and Kalinga Tubes Ltd. M/s. G. Basu & Co. are one of the top five auditors of India.

The services of Shri C. Balan were lent to the State Corporation without any salary or allowance to ensure continuance of good performance and full assistance for the expansion of project by the State Corporation.

M/s. Kalinga Otto (P) Ltd. was started by Shri Patnaik in 1959 with the collaboration of M/s. Otto GMBH of West Germany; Patnaik and his family have 51% shares while the German Co. holds 49% shares. The German Co. completed Rs. 9 crore work for Hindustan Steel Ltd., and the German Co. and Kalinga Otto (P) Ltd., are engaged in about Rs. 14 crores of contracts with Hindustan Steel Ltd.

The State Corporation decided to utilise the services of Kalinga Otto (P) Ltd., on a concessional fee of 3% of the project cost on account of their earlier connections with Kalinga Industries Ltd., and largely due to the efforts of Mr. Patnaik. The only amount paid to the Co. is Rs 74,200/-.

Analysis

The main points for consideration are:

(a) Whether the Low Shaft furnace plant at Barbil as it was handed over to I.D.C. of Orissa was a profitable concern, or whether without substantial expansion entailing expenditure of the order of nearly Rs. 6 crores the profitability of this plant was doubtful;

(b) Whether valuation of the assets was made in a proper manner and was fair ;

(c) Whether in the terms of the agreement between Kalinga Industries Ltd., and the Orissa Industrial Development Corporation the interests of the State had been sufficiently safeguarded ; and

(d) Whether in the agreement any special benefits were retained for any of the concerns in which Shri Patnaik has an interest.

In the consideration of these issues the following points are relevant :

(i) The opinion of the State's Industrial & Technical Adviser was that even with the cost of production estimated by Shri Patnaik at Rs. 140/- per ton, the plant could not be an economic venture. Shri Patnaik himself in his letter of February 1960 to the Secretary, Ministry of Commerce and Industry, Government of India sought permission for expansion of the plant's capacity as with the existing capacity the plant was uneconomical. In his letter dated 3rd June 1960, Shri Patnaik informed the Minister of Steel, Mines and Fuel that the cost of production was 40% higher than the statutory selling price of pig iron. In this memorandum of 30th June, 1960 to the Prime Minister, Shri Patnaik again stated that unless there was substantial expansion, the plant could not prove an economical unit.

(ii) The combined working results of Kalinga Industries Ltd., for the period 1959-60 give no indication separately of the profitability or otherwise of the Low Shaft Furnace. Even when the Industrial Development Corporation of Orissa moved the State Government for approval of the purchase, only a project report of Kalinga Industries relating to expansion was forwarded. It was stated that this report indicated the profitability

of the concern after its expansion. Even when on 30th March, 1963 a day before the actual take over, the Board of Directors of Orissa Industrial Development Corporation approved the purchase, they appear to have had before them nothing more concrete than the audit report of Kalinga Industries Ltd., made by A.G. Orissa for the year 1960-61. This report however, also indicated that by changing the method of calculation of depreciation, and on account of the manner in which the value of finished products had been determined the profits had become inflated.

(iii) The Low Shaft Furnace Plant at Barbil had been exempted from the statutory price control in respect of the pig iron manufactured by it. Kalinga Industries had also been allowed to export pig iron and to import certain products, the sale of which, according to the Director's report in the balance sheet of the Kalinga Industries was also to result in profit. Kalinga Industries also appear to have obtained exemption from carriage tax in respect of iron ore, and concessional sales tax. To what extent these factors contributed to the apparent profits if any of the low shaft furnace plant is not very clear, but in determining the intrinsic profitability of the plant these points are also relevant as in the event of these factors being removed, the working results of the plant were bound to be adversely affected.

(iv) The valuation of the assets was done separately by H. Naik & Co. who were the auditors for Kalinga Industries Ltd. as also for Orissa Industrial Development Corporation and by G. Basu & Co., who were associated with Kalinga Industries' sister concern Kalinga Tubes Ltd. Their reports indicate that the assets were assessed at their book value and then depreciation was calculated. Whether in a transaction of this magnitude this was an adequate and satisfactory manner of determining the value of the assets and whether technical valuation was not also essential, are points for consideration.

(v) Even if the Orissa Industrial Development Corporation proposed to embark on a large scale manufacture of pig iron, it has to be considered as to whether the purchase of the existing,

plant of Kalinga Industries Ltd. was the best method of launching upon such a venture, particularly, when under the terms of the agreement the Corporation which had to find necessary finances of the order of over six crores, did not even examine the various contractual liabilities some of which such as the contract with foreign suppliers were entered into by Kalinga Industries as late as 1-3-63 and became binding on the corporation.

(vi) Shri Patnaik has also stated that the Low Shaft Furnace under the Orissa Industrial Development Corporation had made a profit of Rs. 19 lakhs during 1963-64 and that during the half year April-September 1964 it had already made a profit of Rs. 20.6 lakhs. The net profit according to the balance-sheet of Orissa Development Corporation for the year 1963-64 is about Rs. 6 lakhs only. The profits made during the current half year cannot be verified from records available. The total sales according to the balance-sheet for 1963-64, of pig iron, were, however, of the order of Rs. 66 lakhs which were about the same when the plant was being run by Kalinga Industries Ltd. Considering the cost of production which had been worked out by Shri Patnaik himself in the year 1960, it is not clear as to how the plant is able to make such profits. This will require detailed examination and it will have to be ascertained as to what extent certain concessions previously available to Kalinga Industries Ltd. and which may still be available to the Orissa Development Corporation in respect of this plant, have contributed to these profits and whether these factors are of a certain and permanent nature.

(vii) Shri Patnaik has stated that while there might have been delay in the Kalinga Industries Ltd., being able to finance the expansion of the Plant he was anxious that the plant should expand as quickly as possible and for that reason has persuaded Kalinga Industries Ltd. to part with this plant on the easiest terms ever offered. The inability of Kalinga Industries Ltd. to undertake the huge expansion involved is admitted in the Director's report for the year 1962-63 itself. In so far as the terms of the agreement are concerned, the question as to whether

these were really advantageous to the Corporation or not must ultimately depend on the basic question of the profitability of the concern as it was handed over and on the fairness of the valuation of the assets arrived at. It is not possible to examine these two issues without a thorough scrutiny of the accounts of the Kalinga Industries Ltd. There are circumstances, however, as pointed out above which indicate that the question of profitability was never properly examined at the State Government's level. This does not appear to have been done even in the Govt of India, as the Ministry of Steel, Mines and Fuel had merely considered the suitability of the I.D.C. of Orissa for the transfer of the licence and it was felt that the value of the assets and the terms of the agreement for the transfer of the plant were the concern of the I.D.C. of Orissa and Kalinga Industries Ltd.

(vii) It has been stated that the Orissa Industrial Development Corporation was not required to make any immediate payment to Kalinga Industries Ltd. According to Shri Patnaik the State Corporation by paying some arrears amounting to Rs. 7.37 lakhs had merely obtained the entire plant free from all encumbrances. The payment of Rs. 6 lakhs by the Corporation to the Indian Overseas Bank Ltd. even prior to 1st April, 1963 cannot be said to be in accord with Shri Patnaik's statement that I.D.C. of Orissa were not required to make any immediate payment and that the value of the assets would be paid out of profits.

(ix) With regard to the consultancy agreement with Kalinga Otto (P) Ltd., a sister concern of Kalinga Industries Ltd. with Shri Patnaik and his family holding 51% shares, the question is not so much as to whether this concern is technically competent to advise on the expansion programme of the plant, but, whether the Orissa Industrial Development Corporation had ascertained that the terms of agreement with this concern were the best on which such technical consultation could be secured by the Corporation. The revised agreement between the Corporation and Kalinga Otto (P) Ltd., provides for a total payment of Rs. 18 lakhs to the latter for the expansion.

programme.

(x) Shri Patnaik has stated that the share of royalty to which he was entitled had been surrendered by him and that the German licence holders had also been prevailed upon to forgo the royalty charges. It is not, however, quite clear as to whether such waiving of royalty by Shri Patnaik himself and by the German licence holders applies to the Low Shaft Furnaces which are to be installed for the purpose of expansion of the existing plant. It is also not clear as to how, when Kalinga Industries were paying no royalty, a condition was nevertheless incorporated in the agreement under which the Orissa Industrial Development Corporation have been required to deposit $2\frac{1}{4}\%$ of the ex-works price of the entire production of pig iron, not only of the existing plant but also of the expanded plant for the establishment of an Institute for Technology and Designs. However laudable the object for which these funds are proposed to be utilised, the fact remains that the Corporation had to pay $2\frac{1}{4}\%$ on the entire ex-works cost of molten production even after the expansion and for ever, irrespective of whether the Corporation makes a profit or not.

(xi) Shri C. Balan, Secretary, Kalinga Industries Ltd. was made Director in charge of Kalinga Iron Works at the instance of Shri B. Patnaik. Shri Patnaik has stated that Shri Balan does not receive any emoluments from the Industrial Development Corporation. Presumably these continue to be paid to him by Kalinga Industries Ltd. It has, therefore, to be considered as to whether Shri Balan would be more concerned in safeguarding the interests of the Kalinga Industries Ltd. or the Industrial Development Corporation. It has been noticed that large powers have been delegated to him by the Industrial Development Corporation of Orissa and it was at his instance that the agreement with Kalinga Otto (P) Ltd. had become entitled to a total payment of Rs. 18 lakhs for the expansion programme.

(xii) It appears from the files of the Ministry of Steel, Mines and Heavy Industries, Govt. of India, that even in 1962 Kalinga Industries were having difficulty in obtaining their require-

ments of nut-coke for the plant at Barbil. The Rourkela Steel Plant on which the Low Shaft Furnace Plant was dependent for supplies of nut-coke was unable to meet the requirements and the intervention of the Govt. of India was being sought. It further appears from the report of the Directors of the Industrial Development Corporation of Orissa for the year 1963-64 that the Corporation, soon after the take over, encountered the same difficulty regarding supplies of nut-coke. It was stated that "the expansion licences had been granted by the Government of India with a stipulation that the furnaces must use nut-coke only. We, therefore, approached the Hindustan Steels Ltd. to enter into a commitment for supply of 50,000 tonnes of nut-coke per year from Rourkela Steel Plant to meet the needs of the existing furnace till 1965 and to ensure supplies at the rate of 1,50,000 tons per year after the completion of expansion. It came as a surprise when the Rourkela Steel Plant came out with a flat refusal to supply on the ground that the Steel Plant itself would use the nut-coke in its blast furnaces." This would show that the Corporation before taking over the plant had not taken steps even to ensure that the requirements of nut-coke for the existing plant were available, and that these would continue to be available for the expanded plant also, although Kalinga Industries appear to have already run into difficulties on this score in 1962.

36. For a clear determination of the various issues relating to the sale of the low shaft furnace of Kalinga Industries Ltd. to the Orissa Industrial Development Corporation more detailed enquiries are obviously necessary. There are circumstances which raise doubts and suspicions about the bona fides of this transaction and about the transaction having been in public interest as against the interest of Kalinga Industries.

Allegation No. 8

The substance of the allegation is that :

(i) Shri Patnaik was favoured in the matter of grant of working permission for mines ;

(ii) The working permission was given on the ground that

he will set up a ferro-alloy plant but this condition was not fulfilled.

(iii) The working permission given to Shri Patnaik was transferred to B. Patnaik Mines (P) Ltd. without any valid transfer having taken.

(iv) Royalty to the tune of Rs. 6 lakhs was not paid.

(v) Shri Patnaik was mining more area than was allowed to him under the working permission.

(vi) When the State Govt. decided in December '60 to terminate the working permission, B. Patnaik Mines (P) Ltd. filed a writ petition in the High Court. The State Govt. of which Shri Patnaik had by then become Chief Minister then took the stand that there was no intention not to execute the lease in favour of the party and that it was prepared to grant the lease if royalty was paid.

Material brought out by a scrutiny of the files made available

Shri B. Patnaik, then M.L.A., applied in 1951 for the grant of mining lease for manganese over an area of 3900 acres in Keonjhar District. There were three other applicants of whom one had priority in point of time over Shri Patnaik. The area in question formed part of the lease of M/s. Bird & Co. A part of this area was surrendered by Bird & Co., to the State Government later on 2-7-62. All the four applications including that of Shri Patnaik were liable to be rejected as the area in question was not available with the State Government for issue of working permission but proceedings rejecting these applications were not drawn.

There is no indication that the area surrendered by Bird & Co. on 2-7-52 was formally thrown open for regrant and in fact the Board of Revenue had recommended reservation of this area for ferro-alloy plant/State exploitation.

On 5-8-52 Shri Patnaik filed a fresh application and also offered to put up a ferro-alloy industry, which indicates that he was aware of the recommendation of the Board of Revenue.

Working permission was sanctioned to Shri Patnaik under

the orders of the then Revenue Minister, Shri Sadashiv Tripathy and the then Chief Minister, Nabha Krishna Chowdhury. Raja Balbhadar Narayan Bhanjdeo, who had priority over Shri Patnaik was not considered suitable for the grant of working permission on the ground that being an ex-ruler and exempt from civil liability the State may have no remedy against him. The suggestion that in order to safeguard the interests of the State the renewal of the working permission be made conditional upon half of the deed rent being paid in advance, was also not imposed.

Collector Keonjhar had pointed out in Oct. '56 that the party was causing serious wastage of mineral wealth by failure to collect smaller sizes of ore of high quality and suggested appropriate measures before working permission was renewed. No action was, however, taken.

In October 1956, on the application of Shri B. Patnaik, the name of the grantee of the working permission was changed to B. Patnaik Mines (P) Ltd. This does not appear to have been in accordance with any rules as was subsequently pointed out by the Legal Remembrancer in 1960.

The party was found to be mining 4224 acres as against 2900 acres in respect of which the working permission had been granted.

There was default in the payment of royalty, and arrears amounting to Rs. 6,18,926.06 were outstanding on 30th June, 1959.

On 26-10-59 Shri Patnaik had also applied for mining iron ore over an area of 349 acres and working permission in respect of 286.5 acres was given by the State Government on 8th June, 1964. On 1-7-55 Shri Patnaik applied for mining of iron ore over an area of 1006 acres forming part of the area of 2900 acres of the working permission of manganese ore already given to him. State Govt. sanctioned working permission for iron ore for the total area of 3900 acres, although the application itself was only for 1006 acres. This was rectified when the discrepancy was pointed out by the Director of Mines.

In respect of the grant of working permission for iron ore

also the party was in default of royalty.

On 5/9-12-59 the State Government issued proceedings in respect of the lease for iron ore on the terms stipulated to B. Patnaik Mines (P) Ltd. but the lease was not executed within a period of six months, as required under Rule 28-A of the Mineral Concession Rules. The order granting the lease, therefore, should have been deemed to stand cancelled.

There was no renewal of the working permission after October, 1956.

In 1960, when the matter was examined by the State Government, the Legal Remembrancer and the Advocate General were consulted and on their advice the State Government decided to issue notice to Shri B. Patnaik and B. Patnaik Mines (P) Ltd. requiring them to stop working the mines, to quit the area and make over peaceful possession to the District Collector and to pay compensation of the area failing which it was proposed to prosecute the parties and to recover damages.

B. Patnaik Mines (P) Ltd. went up in a writ application to the High Court on 22-12-1960 challenging the notice requiring them to stop working the mines and to hand over possession, and the State Government's demand for payment of royalty at the enhanced rates. This application was pending in the High Court when after the mid-term election in Orissa Shri Patnaik assumed office as Chief Minister. In the High Court, the writ application was disposed of on 28-11-61 on the Govt. Advocate stating that it was never the intention of the State Govt. to refuse execution of the lease, and on B. Patnaik Mines (P) Ltd. and Shri B. Patnaik executing memos. agreeing to pay the royalty demanded by the State Govt., provisionally and to pay such royalty and arrears thereof as may subsequently be determined according to law.

Comments of Shri B. Patnaik

Shri Patnaik assumed office only in June 1961 and, therefore, whatever was done prior to his assumption of office was the responsibility of the then State Government.

From 1952 to 1958 when Mines and Minerals (Regulation

and Development) Act came into force the question of rates of royalty was still under consideration by the State and Central Governments as the existing royalty rates were considered too low by both the Governments. Only working permissions were therefore being granted to applicants on the understanding that they will be liable to pay 10% royalty subject to Central Government's approval. No favour was shown to Shri Patnaik regarding his applications for manganese and iron ores as applications from others were considered on the same lines.

In October 1956 the State Govt. had agreed to change the name of the grantee to M/s. B. Patnaik Mines (P) Ltd. and this was only a substitution of one name for another and a similar procedure was followed in other cases also.

On demand by the State Government of arrears of royalty of Rs. 6,18,926.60 nP, B. Patnaik Mines proceeded against the method of the calculation of the amount of royalty. They were not alone in keeping arrears of royalty and other mine-owners also filed writ applications. While notices were issued on 14-12-60 against B. Patnaik Mines (P) Ltd., to stop mining operations and to quit the area and to make payment of the demanded amount, no such action was taken against the other defaulters.

It is incorrect that the writ application filed by B. Patnaik Mines Ltd. against the State was not contested and was compromised by the State Government. The petition was disposed of by an order of the Court. The prospects of the State Government losing the case were considerable and the State Government would have lost Rs. 60 to 70 lakhs immediately and a few crores ultimately by way of royalty. The Court's order that B. Patnaik Mines would pay royalty as demanded by the State after the method of calculation of royalty was determined in accordance with law was a point in favour of the State Government. The so-called compromise instead of being detrimental to State's interests was in reality a boon. In the following financial year, the royalty earned by the State was almost double the figures of the previous year.

In spite of there being no condition in the lease deed B. Pat-

naik Mines (P) Ltd. have suo moto offered the mines to be transferred to the Govt. and the proposal is under examination.

Analysis

The main points for determination are :

(a) Whether any favour was shown in the grant of working permission to Shri B. Patnaik, and

(b) whether in relation to the writ application in the High Court Shri Patnaik after assumption of his office as Chief Minister had committed the State Govt. to a position under which improper benefit was conferred on B. Patnaik Mines (P) Ltd. in which Shri Patnaik and his wife have substantial interest.

For a consideration of these points, the following circumstances are relevant :

(i) In the grant of working permission for manganese ore, Shri Patnaik's application was liable to be rejected along with the application of others as at the relevant time the area in question was not available for grant. Even otherwise at least one application had priority for consideration.

(ii) Shri Patnaik's second application dated 5-8-52 also merited no consideration as the area in question does not appear to have been formally thrown open for grant. In fact this area had been reserved for State exploitation/ferro-alloy plant.

(iii) The substitution of the name of B. Patnaik Mines (P) Ltd., for B. Patnaik, in October 56 was irregular. As was pointed out subsequently in 1960 by the Legal Remembrancer, B. Patnaik Mines should have submitted a formal application which would have been considered on its merit.

(iv) Although an area larger than that for which working permission was granted was being worked, no action was taken by the State Government.

(v) In respect of the application for mining of iron ore over an area of 1006 acres, the State Government granted working permission for an area even larger than that applied for. This was rectified later.

(vi) It was brought to the State Government's notice by the

District Collector that the grantee was causing serious wastage of mineral wealth by failure to collect small sizes of ores and suggested necessary steps before renewal of the working permission but no action was taken.

It is true that the favours shown and the irregularities committed, as pointed out above, relate to the period prior to the assumption of office by Shri B. Patnaik. During the period involved Shri Sadashiv Tripathy was dealing with this subject as Revenue Minister.

Shri Patnaik has stated that the substitution of the name of B. Patnaik Mines as the grantee was not unusual and similar action had been taken in other cases also. This cannot be verified from the official records made available to the C.B.I. but, in any case, this cannot be considered as a serious irregularity.

As regards the writ application and the stand taken by the State Government, the relevant official record is not available. Shri Patnaik has, however, stated that by the High Court's order B. Patnaik Mines (P) Ltd. were not bound to make payment of the demanded amount of royalty based on the State method of calculation yet they voluntarily paid Rs. 5,92,054.60P while Shri Patnaik was in office. It appears, however, from the order of the High Court, of which a copy has been supplied by Shri B. Patnaik, that it was only on Shri Patnaik and B. Patnaik Mines (P) Ltd. agreeing to pay the amount of royalty at the rates prevailing before the notification declaring the fair prices of the mineral and subsequently at such rates as may be determined according to law, that the writ application was disposed of.

The clause relating to payment of royalty at such rates as may be determined according to law is of particular interest. It appears that the entire question of royalty has now again become the subject of litigation in civil courts so that apart from having provisionally paid royalty and thereby secured an undertaking from the Government to execute the lease, the entire royalty question is still under litigation. In order to come to a definite conclusion as to whether this arrangement on the basis of which penal action which was open to the State Go-

vernment and had been initiated by it was dropped, was in the best interest of the State it would be necessary to see the official files which have not yet become available.

Shri Patnaik has stated that B. Patnaik Mines (P) Ltd., have offered to return the mine to the State Government. There is no mention of this in the Govt. files made available to the C.B.I.

Allegation No. 9

Orissa Kendu Leaf (Control of Trade) Act 1961 was promulgated during the Chief Ministership of Shri Patnaik ostensibly for State trading. Actually heavy amounts were received as illegal gratification by Ministers and Agents were appointed by direct negotiation by the Chief Minister and State Planning Board Chairman.

Material Brought by a scrutiny of the files made available

As a result of the recommendations of the State Taxation Enquiry Committee that there should be a commercial monopoly in the trade of Kendu leaves in order to protect the interests of the trade, tenants, pluckers engaged in collection of leaves and of the State Government, the State Government decided in August 1961 to bring in legislation to regulate the collection purchases, and disposal of kendu leaves. The scheme as envisaged in the draft Bill briefly was :

(a) State should have fiscal monopoly right for collection, purchase, transport and disposal of kendu leaves for trade purposes. Tenants had a right to collect the leaves from their lands or to lease out the kendu growing area. The leaves grown on their lands, however, had to be sold by the tenant or the lessee to the Government or to their agent.

(b) State to be divided in a number of Units ,

(c) State to trade through agents on the rate of one for each unit. The appointment of agents was to be regularised by an agreement, the agent paying a lump sum to be settled at the time of granting the agency and a variable commission depending upon turnover.

(d) Price on which kendu leaf would be sold by the owner and pluckers would be fixed by Price Fixation Committee to be formed by the Government.

During discussion of the matter at a meeting of the Council of Ministers on 13-9-61 the draft was approved with certain corrections, some of which are reported below :

In the Draft Bill

Corrections

There shall be an Advisory Board, at the State level to advise Govt. on the constitution of units and in the fixation of deposits and prices. Board to include Chairmen of Zila Parishads. Ministers and Officials. Omitted completely.

State Govt. shall fix, after consultation with the Advisory Board, price at which the leaves shall be purchased. "After consultation with Advisory Board", deleted.

As a result of certain observations by the Govt. of India to whom the bill was referred for approval, an amended clause 4(2) was incorporated which read as under :

"The Govt. shall constitute an advisory committee for the State consisting of not less than 6 Members as may be notified by Govt. from time to time. Provided that not more than 1/3 of such members shall be from amongst persons who are growers of kendu leaves."

The Orissa Kendu Leaf (Control of Trade) Act, 1961 was passed on 27-11-61.

In a note dated 11-1-62 the Chief Secretary pointed out that "Form 'E' as now approved, gave no base for comparison of the offers of the various parties. A party may offer less commission but there is no guarantee that he will guarantee any difference in price and a maximum profit to Govt. The form as originally submitted tried to meet this situation. I am afraid returns made on the basis of the present form will not enable the Govt. to give any proper conclusion. There is too much left to imagination. If we leave the entire arrangement as a simple agency, then we are caught with the price fluctuations and mani-

pulations of the dealers. Unless the agent who is expert in this matter guarantees a minimum performance we are sunk. A simple agency cannot be run in Kendu leaves without certain safeguards. Otherwise, the entire matter may result in corruption at lower levels and smuggling on a large scale. That is why I had suggested a minimum performance with some safeguards for fall in prices. Chief Minister may please consider”.

The Chief Minister, Shri B. Patnaik observed “Since we know the price structure we want there should be no difficulty in fixing the rates, with the agents whom we approve”.

Comments of Shri Patnaik

The trade was taken over by a Special Act under State Monopoly when Shri Patnaik assumed office. Experienced men in the trade have been utilised as contractors to Government wherever possible.

Analysis

The main point for consideration is whether in the actual implementation of the Kendu Leaf (Control of Trade) Act 1961 there has been favouritism or corruption in the appointment of agents.

The official files relating to the appointment of agents have not so far become available. Unless these are scrutinised, it is not possible to determine the correct position and to arrive at a conclusion.

Allegation No. 15

(a) In respect of the loan of Rs. 97 lakhs taken by Kalinga Tubes Ltd. from the Industrial Finance Corporation of India under the guarantee of the State Government, stamp duty of Rs. 97,000/- was payable on the tripartite mortgage deed. The State Government by taking over the liability in respect of the stamp duty saved Kalinga Tubes Ltd. Rs. 97,000/- which would otherwise have accrued to the State revenues.

(b) The clause requiring creation of a sinking fund of Kalinga

Tubes Ltd. for re-payment of the loan was waived by the State Government on the representation of Kalinga Tubes Ltd.

Material brought out by a scrutiny of the files made available

Shri Patnaik and his family have substantial interest in Kalinga Tubes Ltd. Shri Patnaik was Managing Director of this concern prior to assumption of office. Mrs. Patnaik is one of the Directors of the Company.

In 1956 Kalinga Tubes applied for a loan of Rs. 97 lakhs from Industrial Finance Corporation of India for purchasing machinery for the establishment of a tube mill for manufacture of 6" G.I. pipes.

The Industrial Finance Corporation agreed to advance a loan of Rs. 97 lakhs on the guarantee of the State Government of Orissa and personal guarantee of three Directors including Shri Patnaik and Mrs. Gyan Patnaik.

During consideration of the draft tripartite agreement in the Industries Department of the State Government a clause was introduced which provided that the stamp duty on any mortgage deed or deeds that may be executed by the Company in favour of the Corporation for Rs. 97 lakhs or any part thereof shall be borne and paid by the Government.

The Law Department had pointed out on 10-2-61 that the State Government being interested only as a guarantor, in the transaction between the IFC and the Kalinga Tubes Ltd., and the transaction being mainly for the benefit of Kalinga Tubes Ltd., the Administrative Department should consider whether the Government should take over the responsibility for the payment of stamp duty merely for providing exemption from payment thereof. It was then stated in a note in the Industries Department that the orders of the Government will be obtained and if it was decided that the stamp duty should be charged, the relevant clause will be deleted.

On 5-12-61 again, by which time Shri Patnaik had taken over as Chief Minister of Orissa, Legal Remembrancer raised the question of Government's decision on the payment of stamp duty. The Under Secretary Industries Department then

pointed out on 16-12-61 that in the case of grant of loan by the State Government to M/s. Straw Products Ltd., Government orders had been obtained that stamp duty would not be charged in the case of Government aid.

It appears that Shri B. Patnaik had on 4-12-61 recorded a minute on another file, laying down that stamp duty on Government aid should not be charged where Government aid was given directly or through the State Finance Corporation. This decision did not strictly apply to the loan of Rs. 97 lakhs of Kalinga Tubes Ltd. as the financial aid in this case was being provided not by the State or by the State Finance Corporation but by the Industrial Finance Corporation of India.

On the 5th February '63 the Industrial Finance Corporation informed Kalinga Tubes Ltd., in view of the Government having assumed liability in respect of stamp duty, they wanted the document to be adjudicated upon by an appropriate authority to ascertain if the deed will be exempted from stamp duty.

A petition for adjudication was made by Kalinga Tubes Ltd. before Collector Cuttack who was of the view that there could be no exemption from stamp duty. He, however, referred the matter to the Board of Revenue which decided that exemption under Section 3 of the Stamp Act could arise only in a case where the Government being a party became statutorily liable for stamp duty. In the instant case there could be no such exemption as the State Government had on their own voluntarily taken upon themselves the liability in respect of stamp duty.

In view of the decision of the Board of Revenue the State Govt. in the Finance Department which was under the charge of Shri B. Patnaik, Chief Minister, issued a notification on 31-8-63 under Section 9 of the Stamp Act exempting the State Government from payment of stamp duty amounting to Rs. 97,000 which would have otherwise accrued to the State revenues.

On the application of the Kalinga Tubes Ltd., the State Government with the personal approval of Shri B. Patnaik, Chief Minister, agreed to waive the condition under which Kalinga Tubes were required to create a sinking fund for

ensuring repayment of the loan to Industrial Finance Corporation of India.

Comments of Shri B. Patnaik

The decision to waive registration fees when Government enter into an aid contract with a firm is based on the salutary principle that when Government gives a loan or assistance to any industry it would defeat the purpose of the aid to take away part of it in another form.

In the case of the loan of Kalinga Tubes Ltd., the Govt. preferred to levy $1\frac{1}{2}\%$ as guarantee commission which has earned for the State Government over Rs. 9 lakhs till now. If the Government had decided to benefit the Company at the cost of State exchequer, it could have agreed to charge registration fee and reduced the guarantee commission to the normal bank rate of guarantee which is $\frac{1}{4}\%$. The Govt. of India while giving large loans to big companies have stipulated that the registration fees would be borne by the President of India.

The Government waived the clause of sinking fund as the fund was to be created for repayment of loan and the Company has so far repaid Rs. 57 lakhs whereas the sinking fund as per terms of the contract would have amounted only to Rs. 50 lakhs on 31-3-64.

Analysis

The main point for consideration is whether in the taking over of the liability in respect of the stamp duty by the State Government in respect of the loan of Kalinga Tubes Ltd., from the Industrial Finance Corporation of India, any improper benefit was conferred on this Company in which Shri Patnaik and his family have substantial interest and whether the Government's order permitting the clause relating to the sinking fund to be waived was in the best interest of the State which had guaranteed the loan.

For a consideration of these issues, following points are relevant :

- (i) As was pointed out by the Law Department, the tripar-

tite mortgage deed in respect of this loan of Rs. 97 lakhs was for the benefit of Kalinga Tubes Ltd. and the State was interested merely as a guarantor.

(ii) Stamp duty of Rs. 97,000 was payable on the tripartite deed and this amount would have accrued to the State revenues. By assuming liability in respect of stamp duty the State Government saved Kalinga Tubes a sum of Rs. 97,000/- which ordinarily should have been paid by Kalinga Tubes Ltd.

(iii) The liability in respect of the stamp duty was taken over by the State Government under the erroneous impression that it would be automatically exempted under Section 3 of the Stamp Act. When the Board of Revenue held that such exemption could not operate in a case where there was no statutory liability on the State Government and that in the instant case the State Government had on their own taken over this liability, a notification was issued by the Finance Department to tide over this difficulty.

(iv) The decision of Shri Patnaik, Chief Minister, recorded on 4-12-61 which was cited as a precedent for the assumption of liability of stamp duty in respect of the loan of the Kalinga Tubes Ltd. related only to cases in which aid is given by the State or by the State Finance Corporation. This decision was therefore, not applicable to the case of the loan of Rs. 97 lakhs of Kalinga Tubes Ltd.

(v) Shri Patnaik has stated that the State Government had benefited by charging as guarantee commission a higher rate than is normally charged by the banks when they stand guarantee for loans. Although no enquiry has been made regarding the normal rate of bank commission on guarantees, it appears quite obvious, however, that Kalinga Tubes Ltd., would have either obtained a bank guarantee at a very much lower rate of $\frac{1}{4}\%$ if that was possible/or at least protested against $1\frac{1}{2}\%$ guarantee commission charged by the Government. There is no indication in the file that Kalinga Tubes made any representation against this rate of guarantee commission.

Shri Patnaik has also stated that in cases of large loans by the Government of India to big companies, the registration fees are

borne by the President of India. So far as could be gathered, on loans advanced by the I.F.C. the liability in respect of the stamp duty registration charges is placed on the loanee. This would appear to show that in exempting the Kalinga Tubes from payment of Rs. 97,000/- as stamp duty a favour was shown to it. However, whether stamp duty should or should not be payable on loans given by a Government or a Government Corporation is a question of general policy.

In connection with the sinking fund Shri Patnaik has stated that Kalinga Tubes had repaid to the I.F.C. by 31-3-64 Rs. 57 lakhs when the sinking fund would have amounted only to Rs. 50 lakhs. There was nothing in the agreement to prevent Kalinga Tubes Ltd. who had to pay interest on the loan of Rs. 97 lakhs to repay to the IFC an amount larger than was to be kept in the sinking fund. The purpose of the fund was to ensure availability of funds for repaying the loan and in agreeing to waive this clause a favour was shown to Kalinga Tubes Ltd.

Other Allegations

In 1962 when Shri B. Patnaik was the Chief Minister he leased out 93 acres of Govt. land in village Chowdwar, Cuttack, to M/s. Orissa Textile Mills for Rs. 93,000/- only although the rate of land in this industrial area is Rs. 25,000/- per acre. This land belongs to Irrigation Deptt. of which he was Minister in charge. M/s. Orissa Textile Mills have constructed compound walls around this land and forcibly enclosed a public road.

(On the plea of setting up another unit of Orissa Textile Mills Shri B. Patnaik leased out another area of 12.20 acres in Village Kedareswar to the mills for Rs. 14030/- only. This caused wrongful loss to the State Exchequer for the personal benefit of Shri B. Patnaik who has interest in Orissa Textile Mills.)

This allegation is contained in para 3 of the supplementary memorandum dated 21-9-64. Relevant official files have not so far been received by the C.B.I. and therefore these comments are based on the material furnished by Shri B. Patnaik himself along with his replies.

Comments of Shri Patnaik

Orissa Textile Mills had applied as far back as November 1946 for the acquisition of land but the fixation of the price was delayed. In September 1958 the Collector had recommended the transfer of the land to the mills at Rs. 100/- per acre. Shri Patnaik had attached the relevant correspondence exchanged between the mills and the Govt. of Orissa.

Analysis

On August 21, 1958, the mills wrote to the Collector, Cuttack, that out of 600 acres of land that they were in possession of 90.63 acres belonged to the Govt. (PWD). The land in question was rocky, uneven waste land and the price per acre could not be more than Rs. 100/- in 1946-47 when the mills had started construction on the land on the promise and with the knowledge and permission of the Government. The Collector was requested for *de jure* transfer of the land and take into account the fact that *de facto* transfer had taken place in the year 1947.

The Collector, Cuttack, in his letter dated 23rd September 1958 to the Under Secretary to the Commissioner, Central Division, Orissa recommended charging a premium at a flat rate of Rs. 100 per acre. The Govt. of Orissa, Revenue Department, however, in their letter dated 18-8-60 while sanctioning the lease of 90.63 acres to Orissa Textile Mills Ltd., for a period of 90 years, ordered that a flat rate of Rs. 400/- per acre and annual rent at 5% of the market value of the land subject to revision at the end of every 15 years shall be charged. This decision was obviously taken after considering the aforesaid letter of Collector, Cuttack, and the representations made by Orissa Textile Mills Ltd.

From 18-8-60 to 29-8-61 Orissa Textile Mills took no further action by way of filing an appeal/representation against the above order of the Govt. of Orissa.

After mid-term elections in 1961 Shri B. Patnaik assumed office as Chief Minister on 23-6-61. Shri Sadashiv Tripathy was appointed Revenue Minister in Shri Patnaik's Ministry.

M/s. B. Patnaik & Co. (P) Ltd.,—wholly Patnaik concern with paid-up capital of Rs. 1600/- only—have been and are the Managing Agents of Orissa Textile Mills Ltd. On 29-8-61 M/s. B. Patnaik & Co. P Ltd., on behalf of Orissa Textile Mills Ltd. represented to the Revenue Minister, Orissa, against the order dated 18-8-60 of the State Government charging a flat rate of Rs. 400/- per acre and annual rent at 5 per cent. Orissa Textile Mills Ltd. also addressed supplementary appeal dated 23rd November 1961 in which they also mentioned the rates for certain other pieces of land which had been acquired for their purpose. It appears that discussions were also held with representatives of M/s. B. Patnaik & Co. (P) Ltd.

The State Government accepted the representation of Orissa Textile Mills Ltd. and reduced the rate from Rs. 400/- to Rs. 100/- per acre for 90.63 acres of land with rent at the rate of Rs. 5 per acre.

As regards the other pieces of land measuring 12.20 acres, Orissa Textile Mills Ltd. applied to the Tehsildar, Saddle Cuttack, on 27th September, 1961 for the lease of this area to them for the erection of the second Orissa Textile Mill. They also requested that in the mean time they may be allowed to proceed with the construction work.

The Revenue Department of the State Government in their letter dated 16-4-63 conveyed the Government's sanction to the lease of 10.20 acres at Kedareshwar at a premium of Rs. 12,200/- plus 15% thereof and annual rent of Rs. 122/- Whether this was in accordance with proper market rates can be clarified after a scrutiny of the official files and other necessary enquiries.

CHARGES AGAINST SHRI B. MITRA

Allegation No. 2

The concern "Orissa Agents" standing in the name of Mrs. Biren Mitra, is a benami concern of Shri Mitra, the present Chief Minister, Orissa, and it has been stated that this concern had monopolised supplies to Govt., secured agencies of local and outside firms and charged exorbitant rates. Most of the

supplies were made without calling tenders. As principal distributors of Kalinga Tubes, supplies were made to the State Government by this concern without the purchasing departments availing of the D.G.S.&D. rate contracts and without even availing of Kalinga Tubes own price circulars. The benefit of these transactions is alleged to have gone to Shri Biren Mitra.

Material brought out by a scrutiny of the files made available

On 24-11-60 Mrs. Eswaramma Mitra, wife of Shri Biren Mitra, filed an application for registration for the purposes of sales tax, of the concern "Orissa Agents" of which she claimed to be the sole proprietor. It was stated that "Orissa Agents" had commenced business on 1-4-59 but until 24-11-60 there had been no turnover of business.

On 1-12-60, A. Kafaitulla, as Manager of "Orissa Agents", filed a statement in which it was stated that this concern had until then been procuring orders for supply of tubular structures, G.I. and black pipes and the paints of Jenson & Nicholson, on commission basis and no account of sales or purchases had been maintained. "Orissa Agents" proposed to deal in Bengal Potteries and after receipt of consignment proper accounts would be maintained.

The returns submitted by "Orissa Agents" under the State Sales Tax Act show the annual value of business done in each calendar year as follows :

					Rs. nP.
1961	..	..	..	..	1,74,498.04
1962	..	..	..	..	23,56,179.32
1963	Upto Oct.	Ending	30-9-63	..	22,62,754.70

The return for the quarter ending 31-12-63 is a nil return and the annual return for the year ending 31-3-63 shows total turnover of Rs. 35,09,517.59.

From 23-6-61 after the mid-term elections of 1961, Shri Biren Mitra became Deputy Chief Minister, Orissa, in the Ministry headed by Shri B. Patnaik. From 2-10-63 Shri Biren Mitra became Chief Minister, Orissa.

"Orissa Agents" appear to have secured the agency of M/s. Turner Hoare & Co. Calcutta. In a letter dated March 15, 1961 from Orissa Agents to Turner Hoare & Co., Calcutta, it was stated that Mr. Mitra had a talk with you regarding the wharfage of Rs. 158.90 which we had to pay and I understand that you are crediting that amount and also Rs. 130.60 which we have paid for the freight". On another letter of "Orissa Agents" Shri Sawhney of Turner Hoare & Co., Calcutta had made the following endorsement on 27-3-61 in his own hand for his office :

"S.B.

This was handed over to me today by Shri Biren Mitra. Please write to them confirming our conversation and ask for the advance".

Sd/-

27-3-1961.

Allied Distributors of Calcutta are the sole agents for M/s. Bengal Potteries Ltd. In a letter dated 14th November, 1960 of "Orissa Agents" to Allied Distributors of Calcutta, the following finds mention :

"....as per the telephonic conversation between Mr. Biren Mitra, Cuttack, and your personnel at Calcutta, it was decided to allow us a wagon load of your earthenware products...."

In another letter dated 27th October, 1962, of 'Orissa Agents' to Allied Distributors of Calcutta, the following finds mention :

"We are to thank you for your Mr. Tandon's visit to our area, with regard to your booking. Our representative contacted him to Cuttack parties securing firm promises. Since Bhubaneswar market was closed on Thursday and Mr. Tandon was to visit Behrampur we had fixed up an appointment on following Saturday for him to meet Mr. Mitra. But we are sorry to note that Mr. Tandon did not contact us as arranged on his return."

The very fact that an appointment had to be fixed in advance would indicate that the proposed meeting was with Shri Biren Mitra who was then Deputy Chief Minister.

"Orissa Agents" were appointed dealers for Orissa State for G.I. pipes manufactured by Kalinga Tubes Ltd. and for

Kalinga Industries Ltd. Shri B. Patnaik, prior to assumption of office, was the Managing Director of Kalinga Industries Ltd. On his becoming Chief Minister of Orissa, Mrs. Gian Patnaik, his wife became Chairman, Board of Directors, Kalinga Industries Ltd. and a Director of Kalinga Tubes Ltd. Shri B. Patnaik and his family have substantial interest in both these companies.

Kalinga Tubes were the only manufacturers of G.I. pipes in Orissa State. Similarly Kalinga Industries were the only manufacturers of tubular structures in the State.

On 17-11-61 the State Finance Department which was under the charge of Shri B. Patnaik, Chief Minister, issued a circular under which purchases of vehicles, stores and other materials by the State Government Departments could only be made through local dealers. For any departure from this policy, prior concurrence of the Finance Department was made obligatory and failure to do so made the official concerned personally liable for the loss of consequential State sales tax.

It appears from the letter dated 18-1-64 of the Director of Inspections appointed by the Comptroller and Auditor General to audit the business done by Orissa Government with "Orissa Agents" that a number of State Government Departments had pleaded the above Finance Department circular of 17-11-61 as the justification for not having obtained quotations from outside the State as they felt that they were barred from doing business with outside firms. The Chief Secretary in his reply to the above letter of the Directorate of Inspection stated that the State Govt. Departments though not precluded altogether were precluded in practice from making purchases from outside dealers under the terms of the above Circular of 17-11-61.

From the records available it has been noticed that in at least one case, after the issue of the Finance Department Circular, the practice of addressing enquiries for quotations from outside dealers was stopped. Similarly in at least one case it has been found that when such quotations were received and comparative statements were prepared, the quotations of outside dealers although lower than those of "Orissa Agents" were not

considered on the ground that the tenderers had no local agency in Orissa State.

After the issue of Finance Department circular of 17-11-61 "Orissa Agents" entered into an agreement with Jenson & Nicholson of Calcutta under which the former became the representative in Orissa of the Calcutta firm for negotiating for the supplies of paints and for presenting bills to and obtaining payments from the State Government, Jenson & Nicholson also increased the rate of commission of "Orissa Agents".

It has been noticed that during the period 23rd June, 1961, to September 1963 i.e., until "Orissa Agents" ceased business, the value of purchases by the State Govt. of G.I. pipes manufactured by Kalinga Tubes Ltd. and of the paints of Jenson & Nicholson increased manifold.

It has further been noticed that in placing orders for G.I. pipes, timber and paints which were the principal goods supplied to the State Government by "Orissa Agents" during the period 23-6-61 when Patnaik Ministry assumed office until September 63 when "Orissa Agents" ceased business, a number of irregularities were committed, and in consequence on purchases of these three categories of goods of the total value of Rs. 60 lakhs the State Government had to make to "Orissa Agents" excess payment of Rs. 20 lakhs. This is based on the records made available.

Some of the major irregularities which appear to have been committed, apparently for no other reason except to place the purchase orders on "Orissa Agents," are mentioned below :

(i) Failure to avail of D.G.S.&D. rate contract for the supply of G.I. pipes which alone could have saved the State Government over Rs. 18 lakhs during the period 23-6-61 to September 1963. There were D.G.S.&D. rates in operation during this period in respect of all types of G.I. pipes purchased by Orissa Govt.—from 1½" to 6" diameter. It has further been found that supplies were made at these D.G.S.&D. rates to the Departments of the Central Government as well as to some State Governments to the total value of over Rs. 1,93,63,000 in 1960-61 Rs. 3,41,63,000 in 1961-62 and Rs. 4,33,94,000 in 1962-63.

(ii) It may be mentioned in this connection that during the period from April 62 Kalinga Tubes Ltd. themselves came on D.G.S.&D. rate contract and were bound to make supplies to the State Government at the rate contract, if orders had been placed on them on this contract. From the files which could be obtained so far, pipes of the value of over Rs. 5 lakhs were supplied by Kalinga Tubes Ltd. themselves to the Departments of the Central Government and others including the State Govts. during the first five months of 1963.

(iii) Rejection of the lowest tenders when these did not emanate from "Orissa Agents" on inadequate and sometimes factually incorrect grounds such as

(a) urgency which does not appear to be borne out by the manner in which supplies were made with delay by "Orissa Agents" and were accepted by the Departments without objection;

(b) unjustified assumptions that the lowest tenders had not included the element of sales tax : that it was not indicated that the supplies were FOR destination; that the tenderers would not be in a position to make supplies within the stipulated period.

(iv) In some cases orders appear to have been placed on "Orissa Agents" merely because goods were offered. There is no indication in the files that these were immediately required or that the requirements had been assessed.

(v) In some cases factually incorrect noting was recorded on the files regarding the date of receipt of quotations of "Orissa Agents." Some of the files also appear to have been tampered with.

(vi) The secrecy of the tendering system, even when tenders or quotations were invited, was not observed. Quotations were obtained from "Orissa Agents" after the receipt of other quotations and after these became known.

(vii) In some cases the placing of the orders on "Orissa Agents" was sought to be justified on the ground that the lowest tenderers had intimated that they were unable to make supplies. There is no indication in the files that any inquiry had been made from such tenderers or of any such intimation having been received by the Department in writing.

(viii) The rates given by Kalinga Tubes Ltd. in their own price circular were not availed of though they were lower than rates at which purchases were made through Orissa Agents.

(ix) Requests made by the suppliers to change the categories of G.I. pipes to be supplied or for increasing the quantity of the order were accepted without question.

(x) In some cases relating to the purchase of timber where quotations of "Orissa Agents" were not the lowest, negotiations were conducted with them or fresh quotations were asked for from them only so as to make their quotations the lowest and then orders were placed on them. In one case no competitive quotations were originally obtained but several months later a quotation was obtained from "Orissa Agents" and introduced in the file.

The statement given below relating to the purchases of G.I. pipes, paints and timber by the State Govt. from "Orissa Agents" during the period 23-6-61 when Shri Patnaik's Ministry assumed office, to September 1963 when "Orissa Agents" ceased business, will show the value of orders placed, the loss to the State Govt. and the undue benefit to "Orissa Agents" on account of the failure to avail of the D.G.S.&D. rates and/or the rejection of the lowest tender :

<i>Department</i>	<i>Articles purchased</i>	<i>Total value</i>	<i>Loss to Govt.</i>
Public Helth	O.I. Pipes	58,11,300	20,20,300
P.W.D. (R&B)	Pipes	94,600	15,511
Irrigation	Paints	...	...
Electricity, Lift	}	1,63,215	6,295
Irrigation, Khadi &			
Village Industries			
Board, Paradeep Port			
		60,69,115	20,42,106

Comments of Shri Biren Mitra

"Orissa Agents" was a proprietary concern established on 1-4-59. My wife, Smt. Eswaramma Mitra was its sole proprietress.

I did not take any interest whatsoever in the business of "Orissa Agents" either before or after becoming the Deputy Chief Minister on 23-6-61.

As regards the issue of purchase by Government departments from "Orissa Agents" by open tenders and not through the cheaper method of D.G.S.&D. rate contract, the State practice appears to have been always to follow open tender system in cases of urgency. The State also does not appear to have had at any time emphasised purchase only through D.G.S.&D. rate contract. There has been no specific departure from the normal procedure after our Ministry took over.

From 1959 to February 1961 when the Coalition Ministry was in power, the same practice of open and restricted tenders was followed.

The circular of 17-11-61 was issued in the Finance Department. I was not in charge of that Department and was not aware of the circular.

I was not aware of the placing of orders with "Orissa Agents" by the various Departments of the Govt. None of the Departments concerned was under my charge. The matter was dealt with in detail in audit by the Comptroller and Auditor General of India and replies to the preliminary audit have been sent. I find from the replies that the normal procedure of tenders has been followed and the purchases were fair on the basis of the tenders.

I was not aware that the Public Health Department had placed orders for G.I. pipes of the value of about Rs. 60 lakhs after we formed the Ministry. Public Health Department has always been under control of Works and Transport Ministry and is still under that Ministry.

After looking into relevant papers I learn that purchases by the Public Health Department were made on the basis of open tenders and restricted tenders. Generally large orders

appear to have been placed on open tender. Purchases have not been made on D.G.S.&D. rates. Supplies at D.G.S.&D. rates for commodities of indigenous manufacture of short supply are rarely available in time specially when the work is urgent.

It has been the practice all along even before we took over as Ministers that for urgent work purchases were made by open or restricted tenders and this has never been objected to by the Accountant General.

Shri Biren Mitra has also enclosed copies of some circulars to indicate the purchase policy followed by the State Government from time to time. The salient points contained in these circulars are mentioned below:

(i) Under State Commerce Department notification dated 30th September, 1958 certain "rules for the supply of articles required to be purchased for the State Service" were formulated. The general policy laid down in the notification laid emphasis on the purchase of goods of Indian manufacture, and in the goods of Indian Manufacture preference was to be given to articles manufactured in Orissa, over those produced in any other State of the Indian Union.

(ii) Price preference upto 15% was allowed in favour of cottage industries and handicraft goods over those of mill-made or factory-made goods.

(iii) Under rule 2 it was laid down that tenders should be invited for supply of all articles purchased under rule 1 to 4 unless the value of the orders to be placed did not exceed Rs. 1,000 or sufficient reasons to be recorded existed to indicate that it was not in the public interest to call for tenders. For purchases of the value of Rs. 1,000/- and below quotations were to be invited.

(iv) Under rule 4 important plant, machinery and iron & steel works were to be obtained ordinarily from firms approved by the Director General of Supplies and Disposals.

(v) Under rule 7 indents for articles manufactured abroad which were to be specially imported were required to be placed on the D.G.S.&D.

(vi) Through the State Commerce Department circular letter

dated 18-11-60 all departments were informed that the services of the Director General of Supplies were available to the State Governments for procurements of stores and for their inspection. The Central Public Accounts Committee had observed that many departments did not adhere to the principle of making purchases through the central purchasing organisation of the D.G.S.&D. and as a result Government paid inflated prices through direct purchases. In order to stop this practice the State Govt. Departments were directed to procure their supplies, other than articles mentioned in the accompanying list (food-stuffs, lethal stores, stationery, road metal, mathematical and survey instruments, telephones, telegraph control apparatus and wooden and cane furniture), through the agency of D.G.S.&D. subject to the condition laid down in para 3 of Govt. of India office Memo No. 1(22)/60-PI dated 2-6-60. It was further laid down that direct purchases were permissible only where value of the stores required was not substantial and also when demands were to be met urgently.

(Copy of the Government of India office Memo. mentioned above was not sent by Shri Biren Mitra. It has, however, been obtained from the D.G.S.&D. and it shows that the Public Accounts Committee had attached great importance to centralised purchasing as it would prove economical to the Government and had expressed the view that if any exceptions are to be provided in the most really urgent cases, such occasions should be rare. The Ministry of Works, Housing and Supply in forwarding these observations of the Public Accounts Committee to the Ministries of the Government of India and to the State Governments had pointed out that since a Central Purchase Organisation already existed it was incumbent on all Govt. departments to procure the stores through the agency of D.G.S.&D. subject to certain conditions under which indentors were allowed to make their own arrangements of purchases on orders up to the value of Rs. 2,000 and where rate contract or running contracts existed, the limit was fixed at Rs. 100 in each case and not exceeding Rs. 1,000 in the aggregate, in any one year, in an emergency. It was further laid down that in order to obviate delay certain

authorities, declared as direct demanding officers, could place indents directly on the firms on rate contract with D.G.S.&D. In really urgent cases indenting officers could make direct purchases in consultation with their associated finance, such purchases being limited to quantity as required to tide over any emergency.)

(vii) It appears that the State Commerce Department, through a letter dated 18-7-61, informed all the Departments that the instructions contained in the earlier Department Memo of 18-11-60 had been discussed with the Director General of Supplies and Disposals and since the Govt. of Orissa had not taken any final decision to entrust the centra' purchases of the State Govt. to D.G.S.&D. except in respect of articles covered by rule 7 of the "Rules for Supply of Articles to be purchased for the State Service," the instructions issued by the Govt. of India in their office memo. dated 2-6-60 were not applicable to the purchases made by the State Government. It was further stated that the instructions issued with the above memo were to be treated as cancelled and further instructions would be issued.

(viii) The State Commerce Department issued a further circular on 20-4-62 to all Departments of the State Govt. Salient points of which are indicated below:

(1) The D.G.S.&D. had agreed to visit Cuttack and Bhubaneswar once every quarter to discuss State Govt.'s problems of purchase through his Organisation.

(2) In the meeting held between D.G.S.&D. and the major indenting officers of the State Govt. on 22-4-61 the following points were high-lighted:

(a) The services of the Organisation of the Director General of Supplies and Disposal are available to the State Government Departments on nominal commission of 1% for purchase and inspection.

(b) It is the function of the D.G.S.&D. to see that economical prices are paid for articles produced in India. It is always economical to purchase stores through D.G.S.&D. and thereby effect considerable saving. It is convenient to place orders with,

the D.G.S.&D. only in cases of important materials and in other cases it will be proper to purchase articles by inviting open tenders from the firms as per the approved list maintained by the D.G.S.&D.

(c) Although direct purchase from firm will reduce delay to some extent, the Indenting Dept. will have to pay inflated prices. Moreover the difficulty about the release of foreign exchange cannot be avoided altogether thereby. It is better to procure the stores through D.G.S.&D. at lower rates.

(d) The manufacturers are bound to supply stores at the rate contract price and it is their duty to ask their dealers to abide by the rate contract price provided they do not render any extra service to the local Indenting Officers. In case the local dealers take extra money from the Indenting Departments as handling charges, the matter should be referred to D.G.S.&D.

(e) If the Indenting Departments find any difficulty regarding purchase of stores the matter may be intimated to the Commerce Department so that the Director General of Supplies and Disposals or his Deputy may be asked to visit the State and to clear up the matter by personal discussion.

Shri Biren Mitra has also enclosed a note prepared by State Public Health Department on the question of purchase of G.I. pipes from 1950 to 1963. It has been specifically mentioned that in 1958-59 the Department had placed five orders on D.G.S.&D. rate contract with Raunaq & Co. and purchases by tenders were also being simultaneously made. Of the 5 orders placed with Raunaq & Co. in 1958-59 in three cases there was no supply and in the remaining two cases the supplies were far below the order placed. With this experience of purchase through DGS&D rate contract the department had to fall back upon the established practice of purchasing by open tenders. It has also been stated that although from time to time the Departments were advised to purchase through DGS&D in cases of urgency there was always a freedom to the Chief Engineer to purchase by open tender in the interest of prompt execution of work.

The problem of purchase by open tender was specifically raised by the auditor who recently went into these purchases and the urgency pointed out by the State Government to the auditor does not appear to have been appreciated and the following points merit consideration :

(i) In 1961 there were floods in coastal areas. In middle of 1962 in view of the serious drinking water problem raised by the floods in the coastal areas Government decided on a crash programme of putting in deep tube wells. The Chief Engineer was asked to arrange 100 such wells on priority basis to be completed before the next flood season. A rough estimate of 1000 feet per tube well was assessed and supplies were indented for. Deep tube well boring rigs for 6 tubes were indented for by the Lift Irrigation Department in April '62. Foreign exchange was accepted in the relevant Ministry in August '62 but subsequently on account of some arguments about the particular foreign exchange released and the method of indent, 4 of the rigs could not be obtained so far. Only two rigs have arrived last month. The Chief Engineer, therefore, had to proceed with the rigs in possession and with the utmost expedition he could do only 79 tube wells so far. The Chinese invasion of October '62 required diversion of Public Health staff immediately to other crash programmes of the defence factories like MIG factory at Koraput and explosive factory at Sambalpur. The Chief Engineer was, therefore, short of staff. The urgency was there and still exists. It is unfortunate that because of other factors, people in the area have not yet been able to get their tube-wells.

The rates at which pipes were purchased from M/s. Orissa Agents and in particular the large order of one lakh feet of 6" B. Class tubes at Rs. 18.60 per foot were at rates quite below purchased by other authorities in the country at about the same time. Following cases which have been obtained will establish this fact.

(a) Hindustan Steel Ltd., Purchase order dated 29-9-62 6" G.I. Pipes in random length.

Quantity ordered. 240 feet. Price Rs. 28.62 per rft. FOR Howrah.

(b) Calcutta Improvement Trust Purchase order dated 26-10-62 Quantity—200 metres. Suppliers Raunaq & Co, P. Ltd., Rate Rs. 91.84 per meter.

(c) Assam Electricity Board, Purchase Order dated 28-9-62 Suppliers Shivmony & Co. Calcutta. Price Rs. 24.50 rft 6" B Class pipes.

(d) Madhya Pradesh Electricity Board. Purchase Order dated 23-11-62 Suppliers Amin Chand Pearey Lal, Calcutta. Price Rs. 24 per rft. FOR Calcutta for 6" B Class pipes.

(e) Fertilizer Corporation of India. Purchase Order dated 11-2-63 Suppliers Shivmony & Co., Calcutta. Price Rs. 19.30 nP. rft. for 6" B class pipes.

(f) Hindustan Steel Limited. Acceptance of tender date 28-2-63/2-3-63 Suppliers : Shivmony & Co. Calcutta. Price Rs. 20 per rft. for 6" B class pipes.

It will be noticed that even Government of India parties who normally procure supplies through D.G.S.&D. have gone for open tenders and the price is paid in excess of what has been paid by Public Health Department.

Analysis

The main issues are :

(a) Whether Shri Biren Mitra had any concern with "Orissa Agents" and took any interest in the business of this concern; and

(b) Whether in the purchases made by the State Government Departments through "Orissa Agents" any favours were shown to or any undue financial benefit was conferred on this concern.

For a consideration of the former issue, the following points are relevant :

(i) Orissa Agents were established on 1-4-59 and were appointed the authorised dealers in Orissa State for Kalinga Tubes Ltd. and Kalinga Industries Ltd.

(ii) It appears from the correspondence of "Orissa Agents" with certain firms of Calcutta that in November 1960 and even in March, 1961 i.e. three months prior to the assumption of office as Deputy Chief Minister, Orissa, Shri Biren Mitra had

been taking interest in the business of Orissa Agents. Even in October, 1962 when Shri Biren Mitra was Deputy Chief Minister, Orissa, "Orissa Agents" appear to have fixed up an appointment with him for a representative of Allied Distributors of Calcutta with whom "Orissa Agents" had business dealings and from whom, at the instance of Shri Biren Mitra, consignment of Bengal Potteries had been obtained in November, 1960. The extent to which Shri B. Mitra was taking an interest in the affairs of Orissa Agents can be known clearly only from an examination of the records of Orissa Agents which have not been made available so far.

(iii) In the substantial business done by "Orissa Agents" with State Government Departments, in connection with which a good deal of correspondence was entered into by "Orissa Agents" the signatures of Mrs. Eswaramma Mitra, the sole-proprietor do not appear anywhere. Official records naturally do not indicate as to under whose instructions the business activities of "Orissa Agents" were conducted. The fact that Shri Biren Mitra had been taking interest in the business of this concern, as pointed above, is, however, a point for consideration in this connection.

In respect of the second issue, Shri Biren Mitra has made the following main points in his comments :

(a) In large orders open tenders were generally invited. The question of urgency does not appear to have been appreciated. Articles of indigenous manufacture of short supply are rarely available at D.G.S.&D. rate contract.

(b) The Accountant General had raised no objection to the procedure of open tenders for making purchases for the Government.

(c) In the large order for 6" G.I. pipes, open tenders had been invited. These stores were required urgently. It has been found that other departments and agencies including Departments of Govt. of India had made purchase of these pipes at about the same time at rates higher than those paid to "Orissa Agents".

(d) Finance Department circular of 17-11-61 was issued.

without his knowledge. None of the purchasing departments concerned were under his charge.

(e) The State Govt. had always followed the open tender system in cases of urgency and had at no time emphasised purchases only through the D.G.S.&D. rate contract. This was being followed during the period of the coalition ministry from 1959 to Feb. 1961 and there was no departure after assumption of office by Shri Patnaik's Ministry on 23-6-61.

For a consideration of the above, the following points are relevant :

(i) As regards the question of urgency it has to be considered as to whether there are circumstances to indicate that every single purchase of G. I. pipes by the State Govt. Departments during the period 23-6-61 when the Ministry assumed office until September 1963 when Orissa Agents ceased business, was actually so urgent as to justify completely ignoring the available cheaper D.G.S. & D. rates, which entailed the extra payment of several lakhs for the State Govt. At least in the files made available, there is no indication to show such urgency.

(ii) The official records show that in respect of a number of purchases even the procedure of open or limited tenders was not followed and either no tenders were invited or orders were placed by making enquiries from "Orissa Agents" and in some cases on the offers made by "Orissa Agents" themselves.

(iii) It may be of interest to know that during the year 1960-61 the Central Government Departments and others including the State Governments procured supplies of pipes and fittings on D.G.S.&D. rate contract from approved manufacturers of the total value of Rs. 1,92,63,000/-. The corresponding figures for the years 1961-62 and 1962-63 respectively are Rs. 3,41,63,000 and Rs. 4,33,94,000/-. The Kalinga Tubes who themselves came on the rate contract the certain dimension of pipes from April '62 appear to have made supplies to the Central Govt. departments and others including the State Govt. of the total value of over Rs. 5 lakhs during the period January to May '63 for which information is readily available. Kalinga Tubes are also known to have made supplies of pipes to private

parties on the basis of their own price circulars and even the rates quoted in these price circulars were substantially lower than those at which purchases were made by the State Governments from "Orissa Agents".

It has also to be considered as to whether the mere fact that the Accountant General had raised no objection to the system of open or restricted tenders said to have been adopted in the State can be regarded to be sufficient justification for placing orders for G.I. pipes of the value of over Rs. 58 lakhs outside the rate contract when these transactions entailed for the State Govt. extra payment of the order of over Rs. 18 lakhs.

In connection with the largest order for 1 lakh RFT of 6" G.I. pipes, placed in August '62 on "Orissa Agents" the official record shows that tender notice was published in Calcutta papers only 4 or 5 days before the last date for submission of quotations. A further impracticable condition was imposed that 1% of the tendered amount should be remitted in the shape of National Plan certificates. For failure to comply with this condition alone, 29 out of 39 tenders were eliminated. One of the rejected quotations was for a rate substantially lower than that at which pipes were eventually purchased from "Orissa Agents". Although this offer stipulated for import licence, this was from rupee currency area and there would perhaps have been no great difficulty in arranging such an import licence particularly when the price difference was substantial and of the order of over Rs. 4 lakhs.

In this connection it is also of interest that while the State Government purchased one lakh RFT of 6" G.I. pipes, @Rs. 18.60 per foot, according to price circular of Kalinga Tubes Ltd. the rate was about Rs. 11.50 per RFT. What is particularly important is that Kalinga Tubes Ltd. were making supplies of 6" G.I. pipes as also some other dimensions of pipes to private parties at the rates quoted in their price circular. The State Government order for 6" pipes was placed on 22-8-62. On 15th September 62 Kalinga Tubes had supplied these same pipes at about Rs. 11.50 RFT of the total value of over Rs. 2 lakhs to some private parties in accordance with their own price circular.

As regards some instances which have been cited, of other Government departments having purchased 6" pipes at rates higher than those of Orissa Agents, no comments can be given without scrutiny of the records relating to such purchases to ascertain the circumstances under which the Departments concerned found it necessary not to avail of the D.G.S.&D. rate. It does appear, however, from the instances cited, that wherever quantities have been indicated the value of the order is not very substantial.

It is also of interest that under the terms of the rate contract the D.G.S.&D. reserves the right, in cases of orders of the value exceeding Rs. 10 lakhs—which incidentally are to be placed by the direct demanding officers, not on the manufacturers who are on rate contract, but on the D.G.S.&D. himself—to subject the purchase order to open competition. This is presumably with a view to ascertain if such large supplies cannot be procured by the D.G.S.&D. at rates even lower than the rate contract. The order of 6" pipes was of the value of over Rs. 18 lakhs.

In connection with the purchase of one lakh RFT of 6" G.I. pipes it has been stated that there were floods in the coastal areas in 1961 and in the middle of 1962 a crash programme for putting in 100 tube wells was decided upon on priority basis, to be completed before the next flood season and that action was initiated in April 62 to import boring rigs for the tube wells but due to some difficulties about the particulars of foreign exchange required, the 4 rigs which were necessary could not be obtained so far and only 2 of these have arrived last month.

The relevant official record is not available, but from what has been stated above it will be seen that the problem of providing tube wells for drinking water in the coastal areas had become apparent at least in April 62 when 4 tube well boring rigs were indented for. The programme was to be completed before the next flood season presumably middle of 1963. The order for 1 lakh RFT of 6" G.I. pipes was not, however, placed until 22-8-62 and the supplies to the works did not commence until 8 months later in March 63. Even if there was an

urgency an order on D.G.S.&D. rate contract could have been available in good time. The importance of this lies in the fact that by placing the order on D.G.S.&D. rate contract the State Government clearly stood to save a sum of over Rs. 10 lakhs.

As regards the point that during the time of Coalition Ministry also the system of open tenders was being followed, no comments can be made until relevant records of purchases during that period are scrutinised. In this connection it is, however, to be borne in mind that by appointing "Orissa Agents" as their authorised dealers in the State in April, 1959, not only was this concern in a specially advantageous position for making supplies of the products of Kalinga Tubes Ltd. to the State Government but Kalinga Tubes Ltd. themselves by not tendering for governmental requirements of G.I. pipes and making supplies only through "Orissa Agents" appear to have managed to secure higher rates, since they were not on rate contract during the relevant period. Further, on receipt of instructions contained in the Government of India's memo dated 2-6-60 the then Coalition Government in the State had directed the State Govt. departments through a circular dated 18-11-60 to procure their supplies through the agency of the D.G.S.&D. It will be seen therefore that in November, 1960 the Coalition Government had already settled the policy of availing of the services of D.G.S.&D. for procuring State Govt. requirements on D.G.S.&D. rate contracts.

The following chronological statement of the purchase policy laid down by the State Government from time to time will help in placing this question in proper perspective :

(i) 2-6-60. The Govt. of India brought to the notice of the other Ministries and the State Governments the observations of the Public Accounts Committee which required that since the Central Purchase Organisation of the D.G.S.&D. already existed it was incumbent on all Government Departments to procure the stores through this agency.

(ii) 18-11-60. The State Commerce Department of Orissa Govt. forwarded the above memo of the Govt. of India to the State Departments through a circular which laid down that in

order to stop the practice of direct purchases in which the Governemnt had to pay inflated prices, the supplies should be procured through the D.G.S.&D.

(iii) 18-7-61. Shri Patnaik's Ministry assumed office on 23-6-61 and on 18-7-61 through a circular the State Government Departments were informed that the earlier Commerce Department's circular of 18-11-60 did not represent the final decision of the Govt. to entrust the central purchases of the State Government to the D.G.S.&D. except in respect of articles covered by Rule 7 of the "Rules for supply of articles to be purchased for the State Service". The earlier instructions were simultaneously cancelled.

(iv) 31-8-61. The State Government laid down a price preference ranging from 10 to 15% in respect of products of small scale industrial units registered with Director of Industries, Orissa. The price preference was to be admissible not only when manufacturing units tendered to supply goods to the Government but also when their authorised agents did so. The Tubular Structures Factory of Kalinga Industries Ltd. had been registered as a small scale industry in April '61.

(v) 17-11-61. State Finance Department issued a circular under which purchases by Government Departments and Organisations in which Govt. had financial interest could only be made through local dealers. Any deviation from this required prior concurrence of the Finance Department and failure to do so made the officer concerned personally liable for loss of consequential State sales tax.

Two basic conditions which ordinarily govern the purchase of stores for the requirements of the Government in order to procure supplies at the lowest available rates are :

- (i) the D.G.S.&D. rate contract and
- (ii) the system of open tenders.

It will be observed from the chronological statement given above that although the Coalition Government in November, 1960, had laid down that the State Government Departments will procure their supplies through the Central Purchase Organisation of the D.G.S.&D., this important decision was reversed

by Shri Patnaik's Ministry in July '61 when in a circular it was stated that the earlier instruction did not represent the final decision of the State Govt., and that the State Government had not accepted the procedure to entrust their purchases to the D.G.S.&D. There is nothing in the circular issued on 18-11-60 by the Coalition Government to indicate that it was tentative or that the Government had any reservations with regard to the same. With the cancellation of these instructions of 18-11-60, on 18-7-61 it was made possible for the State Government Departments to disregard the cheaper D.G.S.&D. rate contract.

Under the Finance Department's circular of 17-11-61 which required the purchases to be made only through local dealers, even the system of open tenders became confined only to dealers in Orissa. For the products of Kalinga Tubes Ltd. and Kalinga Industries Ltd., "Orissa Agents" were the only authorised dealers in the State.

It will be obvious, therefore, that through the circulars dated 18-7-61 and 17-11-61 the basic safeguards namely the D.G.S.&D. rate and the system of open tenders were almost removed for the purpose of procuring supplies for the State Government and at least in so far as the products of Kalinga Tubes Ltd. and Kalinga Industries Ltd. were concerned, the D.G.S.&D. rate contract as well as outside competition were eliminated and a virtual monopoly created in favour of "Orissa Agents".

It is also of interest in this connection that during a meeting between the main purchasing officers of the State Government and the D.G.S.&D. held in April '61 one of the points highlighted appears to have been that manufacturers on rate contract with the D.G.S.&D. were bound to make supplies at the contract price and also to ask their dealers to abide by the rate contract price. From April '62 when Kalinga Tubes Ltd. themselves came on the rate contract for certain dimensions of pipes, the State Government could have enforced the rate contract in procuring supplies from "Orissa Agents," the authorised dealers in the State for Kalinga Tubes Ltd., but even this was not done. What is more while Kalinga Tubes Ltd. appear

to have made supplies to private parties on the rates quoted in their own price circulars, the State Govt. paid to "Orissa Agents" substantially higher rates. In respect of the order for 6" pipes alone the State Govt. made excess payment to "Orissa Agents" of the order of over 7 lakhs, considering the rates quoted for these pipes in the price circular of Kalinga Tubes Ltd.

It will be seen that by appointing "Orissa Agents" as authorised dealers in the State for products of Kalinga Tubes and Kalinga Industries Ltd. in April '59 a virtual monopoly was created in favour of this concern at least in so far as the supplies of the products of these two Companies in Orissa State were concerned, as local competition became largely eliminated. By reversing the decision taken by the coalition government in November 1960 to avail of the services of D.G.S.&D. the new Ministry under Shri Patnaik enabled the cheaper D.G.S.&D. rate contract for G.I. pipes manufactured by Kalinga Tubes Ltd. to be ignored in making purchases for the Government.

Through this arrangement Kalinga Tubes were able to make supplies for requirements of the Government through "Orissa Agents" at rates substantially higher than the prevailing D.G.S.&D. rates and higher even than the rates quoted in their own price circulars. Even after Kalinga Tubes Ltd. came on rate contract in April '62 the State Government continued to make purchases from "Orissa Agents" at higher rates although the departments of Govt. of India and others, including the State Governments, placed orders on Kalinga Tubes Ltd. on the basis of the approved D.G.S.&D. rate contract. Kalinga Tubes also made supplies to private parties on the basis of their price circulars but the State Government Departments in Orissa had to pay higher rates on account of purchases through "Orissa Agents".

Under Finance Department circular of 17-1161 purchases could only be made by the State Government departments from local dealers. "Orissa Agents" were the local dealers for the products of Kalinga Tubes Ltd. and Kalinga Industries Ltd. and subsequent to this circular they also entered into an agreement with Jenson and Nicholson of Calcutta under which they became

representatives of the Calcutta firm for negotiating with the State Government and for securing payments for supplies of paints manufactured by the Calcutta firm. This circular, therefore, eliminated outside competition in so far as the goods in which "Orissa Agents" had interest were concerned.

It has been noticed that after the assumption of office by Patnaik Ministry in which Shri Biren Mitra was Deputy Chief Minister and from 2-10-63 became Chief Minister, the requirements of the Government Departments in respect of G.I. pipes and paints increased manifold.

In respect of purchases of G.I. pipes of the value of over Rs. 58 lakhs during the period 23-6-61 to September 1963 when "Orissa Agents" ceased business, the State Government made excess payment of over Rs. 18 lakhs to "Orissa Agents". In the purchase of G.I. pipes, timber and paints which constituted the main items of supplies to the State Government by Orissa Agents, apart from the failure to avail of D.G.S. & D. rates a number of irregularities appear to have been committed apparently for no other reason except to place the orders on "Orissa Agents". On total purchases of these items of the value of over Rs. 60 lakhs during the above period, the State Government made an excess payment to "Orissa Agents" to the tune of Rs. 20 lakhs.

One of the immediate and foreseeable consequences of the circular dated 17-11-61 of the Finance Department was the establishment of a complete monopoly in favour of "Orissa Agents" in respect of the products of Kalinga Tubes Ltd., Kalinga Industries and Jenson & Nicholson of Calcutta. It appears from the letter dated 18-1-64 of the Director of Inspections appointed by the Comptroller and Auditor General for auditing the business done by the State Government with "Orissa Agents" that a number of Departments had pleaded the Finance Department circular of 17-11-61 as the justification for not having obtained quotations from outside the State as they felt that they were barred from doing business with outside firms. In reply to the above letter of the Director of Inspection, the Chief Secretary stated that under the Finance Department circular of 17-11-61, the State Government Departments though not

precluded altogether were precluded in practice from making purchases from outside dealers.

It is clear that considerable undue financial benefit accrued to "Orissa Agents" sole proprietary concern of Mrs. Eswaramma Mitra, wife of Mr. Biren Mitra. This was brought about firstly by the appointment of this concern as the authorised agents for Orissa for Kalinga Tubes and Kalinga Industries ; by the issue on 18-7-61 of a circular under which the previous instructions of the Coalition Government of 18-11-60 requiring purchases to be made through D.G.S.&D. were cancelled ; as a consequence of the revised policy enunciated on 18-7-61 the cheaper D.G.S.&D. rates could be ignored ; by the issue of the Finance Department's circular dated 17-11-61 ; the remarkable increase in governmental requirements of the goods in which "Orissa Agents" had interest and the various irregularities which were committed by the purchasing departments for placing the orders with "Orissa Agents". It is also obvious that Mrs. Mitra could possibly have had no hand in the determination of the State Government's purchase policy as laid down in the Finance Department Circular of November '61 or in getting the State Govt. departments to disregard elementary financial rules regulating governmental purchases. Under these circumstances it is for consideration as to whether the benefit resulting from the above circumstances was intended for the benefit of Mr. Eswaramma Mitra only or also for Shri Biren Mitra who alone can be said to have been in a position to secure for "Orissa Agents" a virtual monopoly in the matter of supplies of certain categories of goods.

There is no indication in the official files that the purchasing departments were given any specific instructions or that pressure was brought to bear on them to place orders on "Orissa Agents". The circumstances under which the officials of the purchasing departments concerned chose to disregard basic financial rules requiring the purchase of goods for the Government to be obtained at the lowest available rates and failed even to make use of the available cheaper D.G.S.&D. rates can be ascertained only on open oral enquiries. It has, however, to be kept in

view that this is not a case of merely a single department or a few individual officers placing a few orders on "Orissa Agents" but here several departments and a large number of officials have placed large orders worth lakhs of rupees, disregarding financial rules and the interest of the State. There is a pattern in all these transactions and irregularities which appear to be beyond the individual responsibility of the officers who placed these orders.

Allegation No. 10

Mr. Mitra has established in the name of his wife a saw mill for manufacture of furniture on Government land¹ which was forcibly occupied in the town of Cuttack. The land in Cuttack is valued at Rs. 2,50,000 and the State Government proposed transferring this land to Mrs. Mitra and their associates on payment of this amount although the occupation was illegal.

In a Memorandum dated 21-9-64 submitted by Shri R. N. Singh Deo and others, it has further been stated that Mr. Mitra had misused his official power in getting the plan of structure for the saw mill approved by Cuttack Municipality without verification about the proprietorship of land. Similarly, the Industries Department gave licence for the factory and the Electricity Department gave power connection without any verification under the impression that it was a concern of Shri Mitra. When the matter came up in the State Assembly, an attempt was made to lease out the land to Shri S. C. Bose, Secretary, Cuttack Motor Association as the encroacher to whom the saw mill had been transferred in benami after the winding up of the "Orissa Agents". No steps have been taken to evict the encroacher and demolish the unauthorised structure as it belongs in fact to Shri Mitra.

Material as brought out by a scrutiny of the files made available

The relevant official files dealing with this matter have not been made available so far. The State Government have handed over files which appear to relate to Assembly question raised by Shri Birdha Behera in August 1964 in which Minister

for Irrigation and Power was asked to State whether permission had been given to the proprietor of the saw mill (Jobra) to start the saw mill and erect permanent structures on P.W.D. land near 'Talandanda' canal and whether the proprietor had undertaken construction without permission, and if so, the steps taken by the Govt. to proceed against the proprietor. Two files regarding illegal occupation of Govt. land by Shri S. C. Bose and Shri Gobind Behera have also been received from the State Govt. These records do not indicate the connection, if any, of Shri. Biren Mitra or Mrs. Mitra with the land which admittedly has been under illegal occupation.

As regards certain further circumstances contained in the supplementary memorandum dated 21-9-64, as the memorandum was received only in November '64 the relevant files have not yet been received by the C.B.I.

The official files made available show that a portion of land in plot No. 253 measuring 1 acre, on the left bank of Talandanda canal, Cuttack, was leased out to one Shri S. C. Bose in the year 1948-49 by the Executive Engineer, Irrigation Department, at the annual rent of Rs. 350/-. He was also permitted to construct a temporary shed but there was no permission for the construction of the saw mill or for erecting any permanent structure.

The lease expired on 31-3-52 and it is stated in the files that Shri Bose was asked to vacate the land which was required for widening the canal bank but he did not do so and on the contrary constructed pucca buildings consisting of a saw mill with attached office and residential quarters. When exactly these permanent structures were erected is not indicated in the files.

No further action appears to have been taken but it seems that in January 1963 a notice was served on Shri S. C. Bose for vacating the illegally occupied land.

In a letter dated 1-2-63 to the Executive Engineer, Mahanadi South Division, Cuttack, Shri Bose appears to have contended that the Executive Engineer had assured him that he did not have to worry about the renewal of the lease and that in due course this would be done and the arrears of rent would also

be accepted. Shri Bose had also pointed out in the above letter that while the lease of the adjoining plot of Shri Behera had been renewed and Shri Behera had been allowed to start a flour mill and a saw mill on permanent structures for over two years, his own lease had not been renewed and was cancelled without even demanding arrears of rent from him.

The Executive Engineer in his letter dated 19-4-63 to his Superintending Engineer while denying that he had given any such assurance to Shri Bose as contended by the latter, observed that Shri Bose, an influential businessman, had put up permanent structures without obtaining prior permission and had also encroached on the roadside and suggested that since the land in question was no longer required it may be relinquished in favour of Shri Bose for Rs. 1,65,000 and Shri Bose may be asked to leave 20' strip on each side for future development.

On 13th September, 1963, the Under Secretary, Irrigation & Power Department, wrote to the Revenue Department that the land on which Shri Bose had constructed pucca structures and Saws Mill had been declared surplus by the Department and transferred to the Revenue Department according to Govt. decision.

It, however, appears that further instructions were issued by the Government on 7-11-63 and as a result the Adl. District Magistrate, Cuttack, informed the Secretary to the Revenue Divisional Commissioner on 2-9-64 that the S.D.O. Sadar had been asked to start encroachment proceedings and to evict the unauthorised encroacher, Shri S.C. Bose. The S.D.O. had also been asked to issue an injunction order restraining Shri Bose from constructing any further structure on the site.

The case of Shri Gobind Behera appears to be identical and here also the lease of a portion of the plot No. 253 consisting of .04 acres was granted in the year 1948-49 for putting up a wooden structure of G.I. sheet shed as a show room for furniture on annual rent of Rs. 200/-. The lease expired on 31-3-52 but Shri Behera proceeded to construct pucca structures and encroached upon .20 acres of more Govt. land. He also appears to have been in arrears of rent to the tune of Rs. 1,400/- in August,

1963. A notice is stated to have been served on him in January '63. It further appears that the Chief Engineer (Irrigation) had renewed lease on 29-6-60 but had forbidden the construction of any permanent structure.

In the case of Shri Behera also the Executive Engineer in his letter of 30th August '63 to the Supdtg. Engineer suggested that the land in question may be sold to Shri Behera for Rs. 90,750 as it could not be utilised by the Irrigation Department and that Shri Behara may leave 20' on each side for future development of the road.

The Chief Engineer on 5th November, 1963, wrote to the Irrigation & Power Department suggesting that "if the eviction be considered by Govt. as not possible with the assets created by the lessee on the land unauthorisedly then suggestion of the Executive Engineer to sell out the land to the lessee at a price of Rs. 90,750/- may be considered." There is no indication as to official action taken.

Comments of Shri Biren Mitra

Shri S. C. Bose, a man of substantial assets and an ex-zamindar of a big estate, is the owner of the saw mill, and he is real and ostensible owner. The saw mill does not belong to my wife.

Till September 1963, when the matter was raised on the floor of the Assembly, I was not aware of any of the facts alleged. There was no occasion for me to deal with the matter as Revenue Department was never in my charge and Irrigation Department was not in my charge prior to my taking over as Chief Minister, in October, 1963. The land in question was under the control of the Irrigation Department until 1-4-63 and thereafter was transferred to Revenue Department.

The lease originally granted to Shri S. C. Bose expired in 1952 and he was asked to vacate the land as it was required by the Irrigation Department. In May 1963 the Chief Engineer belatedly brought to the notice of the Government in the Irrigation & Power Department about the failure of the lessee to vacate. While asking for orders for eviction he also

forwarded and asked for consideration of the Executive Engineer's suggestion that as buildings had already been constructed the land may be settled on the encroacher on penal rates.

The Irrigation & Power Department forwarded the case to the Revenue Department on 13-9-63 and indicated that the land had already been transferred to the Revenue Department as surplus to the requirements of the Irrigation Department. The explanation of the Executive Engineer for not having taken action to evict the encroacher after the expiry of the lease in 1952 was also called for.

The Revenue Department felt that the unauthorised occupation should be dealt with and orders were issued on 2-11-63 and accordingly S.D.O. concerned started proceedings on 21-3-64 under the Orissa Prevention of Land Encroachment Act. The case is proceeding.

It is not correct to say that the State Government had at any time agreed to the transfer of the land to a saw mill. In connection with Assembly question tabled for 8-9-64 the Deputy Minister (Irrigation) had laid a statement giving information relating to encroachment, in which it was incorrectly stated "that the matter had been reported to the authorities for final decision with a proposal for sale of land to the party at market rate of about Rs. 6,000 per gunth i.e. 1 acre 2 gunth 6½ biswas will be Rs. 1,65,000 as the land seems to serve no useful purpose to the Government." The land in question has already been transferred to the Revenue Department on 1-4-63 and the Irrigation Department had no upto-date information. The Revenue Department had already on 2-11-63 ordered proceedings for eviction of the encroacher.

The correct information relating to this matter was subsequently laid by the Minister for Revenue in connection with the Assembly question tabled for 11-9-64. It was mentioned in that statement that encroachment proceedings for eviction of both the proprietors had already been started.

Shri Biren Mitra has further stated that none of the facts was within his knowledge till the matter of ownership of mill was raised on the floor of the Assembly in September, 1963.

Even then, question of absence of verification of title was not brought to his notice. He has since ascertained the facts and it appears that Shri Bose has been in possession and has paid municipal tax for the holding since 1-10-50 and the Municipality have approved the plan of the building submitted by him, in exercise of the statutory powers under the Orissa Municipality Act. The Chief Inspector of Factories required a 'no objection' certificate from local authority before permission under the Factories Act is accorded. Such a certificate was given by the local authority and the requirements of the rules were fulfilled. Permission of the Chief Inspector of Factories is not dependent upon nor does it establish any title to the land.

The Executive Engineer, Cuttack City Distribution Division, on application from the occupier of the land gave permission for electricity connection according to rules. Such connection does not establish any title to the land, and proof of title is not a condition precedent to the grant of such a connection.

Analysis

The main issues are :

(a) Whether the saw mill erected on the Government land, admittedly under illegal occupation, in fact belongs to Shri Biren Mitra or Mrs. Mitra, and

(b) Whether in the approval of the plan of the structure of the saw mill or in the issue of the no objection certificate for factory licence by Cuttack Municipality and in the sanction of the electricity connection, any irregularity was committed, and if so, whether it was at the instance of Shri Biren Mitra.

There is no indication in the official records made available that the saw mill had any connection with Shri Biren Mitra or with Smt. Eswaramma Mitra or with Orissa Agents. This will require oral enquiries.

Shri Mitra has stated that the land in question being surplus to the Irrigation Department had been transferred to the Revenue Department on 1-4-63. It is not clear as to how, if that were so, (a) the Chief Engineer, in May 1963 brought

to the notice of the Government the illegal occupation and suggested the settlement of the land on the encroacher, (b) on 13-9-63 the Irrigation & Power Department found it necessary to inform the Revenue Department again that the land was surplus to the requirements of the Irrigation Department, (c) even in September, 1964 the Deputy Minister (Irrigation) should have answered a question tabled in the Orissa Assembly relating to this case when the land in question had been transferred to the Revenue Department nearly 16 months earlier.

As regards the second issue nothing can be said without scrutiny of the relevant official records.

In respect of the following allegations also certain questions had been formulated and Shri Biren Mitra has sent his comments. Some of these allegations were contained in the Supplementary Memorandum received only on 6th November, 1964 while in respect of the other allegations, either the relevant official records have not so far become available or oral enquiries would be necessary. Until the official records are scrutinised and where necessary oral enquiries are made, we are in no position to say anything in respect of these allegations.

The gist of these allegations and the comments of Shri Biren Mitra are, however, being mentioned below :

Allegation

"Orissa Agents" as distributors of Philips lamps have sold these lamps at double the price to municipalities and for Govt. roads in Orissa."

Comments of Shri Biren Mitra

I have enquired and verified that "Orissa Agents" never sold any Philips lamps to any municipality in Orissa or outside. The question of 'double the price' to my knowledge does not arise.

Allegation

Mrs. Mitra has purchased 9 acres of landed property in Cuttack at an average of Rs. 1000 per acre when the prevalent

market prices were 50,000 per acre. Full amount of the stamp duty and registration fees have not been paid due to under valuation.

Comments of Shri Biren Mitra

I am aware of the purchases. A statement is enclosed showing the date, area, name and address of the vendors, consideration paid, in respect of purchases referred to in this question. The total extent of lands purchased at Tulsipur, Cuttack is Ac. 9.835. Out of this Ac. 6.358 were purchased by my wife before I became a Minister of Government of Orissa. These lands are in an extremity of the city near the river and a substantial portion remains waterlogged for a considerable part of the year. A lot of development is necessary before lands could be utilised for any building purpose. In my opinion, the consideration paid was more than adequate. The consideration was reasonable when sale of similar land in the neighbourhood at the time of purchases is taken into consideration.

Allegation

Mrs. Mitra has purchased 9 acres of land in Salepur at Rs. 100 per acre when the minimum cost of land there is Rs. 15,000 per acre. Full amount of stamp duty and registration charges have not been paid. Tanks have been dug up on the land of Mrs. Mitra at the cost of the State Govt. A piece of land has been purchased at Calcutta in Mrs. Mitra's name for Rs. 1,52,000.

Comments of Shri Biren Mitra

Smt. Easwaramma Mitra has not purchased any land in Salepur P.S. Probably the allegation is about Ac. 7.20 of land purchased by her at Bisalpat within Kisan Nagar P.S. The names of vendors, dates of purchase, area purchased, consideration paid, are given in annexure. The land consisted of abandoned tanks and decrepit orchard. The property belonged to three different owners and was not capable of being developed or maintained properly. For only renovating one tank and improving a small bit of land Rs. 14,131 have already been

spent. It is obvious that the sellers have not lost in the transactions. The consideration paid in my opinion is fair.

No tank has been dug at the cost of the Government on any land belonging to Smt. Mitra. For renovation of one of the tanks, a pump was hired out from the Agriculture Department and prescribed charges of Rs. 1,586.29 have been paid. No land has been purchased at Calcutta in the name of Smt. Easwaramma Mitra for Rs. 1,52,000 as alleged. The Development Commissioner of West Bengal has allotted a plot of land measuring 6 Cottahs 15 Chhataks in Tollygunge, Calcutta for a consideration.

Allegation

Shri Mitra, Chief Minister takes Rs. 50,000 every month from Members of Cuttack Merchants Association on the plea that he has to distribute charity to the people.

Comments of Shri Biren Mitra

To the best of my knowledge there is no association known as Cuttack Merchants Association. The allegation is entirely baseless.

Allegation

Orissa Agents have evaded payment of sales tax by delaying its registration and on the plea that they were acting as brokers and they were not liable to pay such taxes. Even after mysterious winding up of the concern last year it is still functioning in the guise of various benami concerns.

Comments of Shri Biren Mitra

It is not a fact that "Orissa Agents" evaded payment of sales tax by delaying registration. The "Orissa Agents" applied on 24-11-60 for voluntary registration under Section 9A of Orissa Sales Tax Act 1947. The liability of "Orissa Agents" to pay sales tax was only from 26-12-60 as has been decided by the sales tax authorities.

It is not a fact that "Orissa Agents" are still functioning in the guise of various benami concerns even though it was wound

up last year. "Orissa Agents" are defunct from 5-9-63. I believe the information to be true.

Allegations

When Shri B. Patnaik was Chief Minister and Shri Biren Mitra was incharge of Endowments, as Law Minister, Devottar land of famous Lingraj temple of Bhubaneswar adjoining the compound of Shri Patnaik's building was irregularly transferred and registered at very low rates in the name of Mrs. Gyan Patnaik, wife of Shri Patnaik.

Comments of Shri Biren Mitra

The land was transferred legally and according to law by the Endowment Commissioner by order under Section 19 of the Orissa Hindu Religious Endowment Act. Government at no time came into the picture. On the recommendations of the Inspector, the Trustee Board of the temple decided long before we took over as Ministers that the land will be settled on salami in such plots with applicants. A salami for this allotment was fixed at Rs. 4,000 per acre. Such plots Nos. 170, 171, 172 and 174 except for 27 decimals encroached upon by Smt. Sarmistha Devi was settled with Mrs. Gyan Patnaik by order in O.P. No. 138 of 1961-62. The salami fixed was Rs. 5,000 per acre and in addition, Mrs. Gyan Patnaik paid Rs. 500/- as a special donation to the deity. The Endowment Commissioner has acted in his statutory capacity in making this settlement.

Kutch Agreement

Indo-Pakistan Agreement for Cease-fire in the Rann of Kutch

The Governments of India and Pakistan signed in New Delhi on June 30, 1965, an agreement for cease-fire in the Rann of Kutch in Gujarat State.

Mr. Azim Hussain, Secretary in the Ministry of External Affairs, Government of India, and Mr. Arshad Hussain, Pakistan's High Commissioner in India, signed the agreement on behalf of their respective Governments.

The following is the text of the agreement :

Whereas both the Governments of India and Pakistan have agreed to a ceasefire and to the restoration of the *status quo* as at 1 January 1965, in the area of the Gujarat/West Pakistan border, in the confidence that this will also contribute to a reduction of the present tension along the entire Indo-Pakistan border.

Whereas it is necessary that after the *status quo* has been established in the aforesaid Gujarat/West Pakistan border area, arrangements should be made for demermination and demarcation of the border in that area;

Now, therefore, the Governments agree that the following action shall be taken in regard to the said area:

Article 1.

There shall be an immediate cease-fire with effect from 0030 hrs GMT 1 July 1965.

Article 2.

On the Cease-fire

(i) All troops on both sides will immediately begin to withdraw;

(ii) This process will be completed within seven days ;

(iii) Indian police may then re-occupy the post at Chhad Bet in strength no greater than that employed at the post on 31 December 1964 ;

(iv) Indian and Pakistan police may patrol on the tracks on which they were patrolling prior to 1 January 1965, provided that their patrolling will not exceed in intensity that which they were doing prior to 1 January 1965 and during the monsoon period will not exceed in intensity that done during the monsoon period of 1964 ;

(v) If patrols of Indian and Pakistan police should come into contact they will not interfere with each other, and in particular will act in accordance with West Pakistan/India border ground rules agreed to in January 1960 ;

(vi) Officials of the two Governments will meet immediately after the cease-fire and from time to time thereafter as may prove desirable in order to consider whether any problems arise in the implementation of the provisions of paragraphs (iii) to (v) above and to agree on the settlement of any such problems.

Article 3.

(i) In view of the fact that :

(a) India claims that there is no territorial dispute as there is a well-established boundary running roughly along the northern edge of the Rann of Kutch as shown in the pre-partition maps, which needs to be demarcated on the ground,

(b) Pakistan claims that the border between India and Pakistan in the Rann of Kutch runs roughly along the 24th Parallel as is clear from several pre-partition and post-partition documents and therefore the dispute involves some 3,500 square miles of territory.

(c) At discussions in January 1960, it was agreed by Ministers of the two Governments that they would each collect further data, regarding the Kutch-Sind boundary and that further discussions would be held later with a view to arriving at a settlement of this dispute ;

As soon as officials have finished the task referred to in Article

2(vi), which in any case will not be later than one month after the cease-fire, Ministers of the two Governments will meet in order to agree on the determination of the border in the light of their respective claims, and the arrangements for its demarcation. At this meeting and at any proceeding before the tribunal referred to in Article 3(ii) and (iv) below, each Government will be free to present and develop their case in full.

(ii) In the event of no agreement between the Ministers of the two Governments on the determination of the border being reached within two months of the cease-fire, the two Governments shall, as contemplated in the joint communique of 24 October, 1959, have recourse to the Tribunal referred to in (iii) below for determination of the border in the light of their respective claims and evidence produced before it and the decision of the Tribunal shall be final and binding on both parties.

(iii) For this purpose there will be constituted, within four months of the cease-fire, a Tribunal consisting of three persons, none of whom would be a national of either India or Pakistan. One member shall be nominated by each Government and the third member, who will be the Chairman shall be jointly selected by the Governments. In the event of the two Governments failing to agree on the selection of the Chairman within three months of the cease-fire they shall request the Secretary-General of the United Nations to nominate the Chairman.

(iv) The decision of the Tribunal referred to in (iii) above shall be binding on both Governments, and shall not be questioned on any ground whatsoever. Both Governments undertake to implement the findings of the Tribunal in full as quickly as possible and shall refer to the Tribunal for decision any difficulties which may arise between them in the implementation of these findings. For that purpose the Tribunal shall remain in being until its findings have been implemented in full.

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